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WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 2 1/2 hours) to present:

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2. The relationship between the Federal Register and Code of Federal Regulations.
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WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

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Reader Aids
Additional information, including a list of public laws, telephone numbers, and finding aids, appears in the Reader Aids section at the end of this issue.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

Rules and Regulations

Federal Register
Vol. 53, No. 45
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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 630

Absence and Leave; Temporary Leave Transfer Program

AGENCY: Office of Personnel Management.

ACTION: Interim rule with request for comments.

SUMMARY: The Office of Personnel Management is establishing a temporary leave transfer program that permits Federal employees to donate annual leave for the use of other Federal employees for medical or family emergency or other handship situations. This rule sets forth procedures under which a potential leave recipient may submit an application to his or her employing agency and establishes rules for agencies to administer the program. This program was authorized by Pub. L. 100–202 and will terminate on September 30, 1988.

DATES: This interim rule becomes effective on March 8, 1988, and will expire on September 30, 1988; comments must be received on or before April 7, 1988.

ADDRESS: Comments may be sent or delivered to Barbara L. Fiss, Assistant Director for Pay and Performance Management, Personnel Systems and Oversight Group, U.S. Office of Personnel Management, Room 7H28, 1900 E Street, NW., Washington, DC 20415.

FOR FURTHER INFORMATION CONTACT: Martha Hoehn, (202) 632–5056.

SUPPLEMENTARY INFORMATION: Public Law 100–202, December 22, 1987, Further Continuing Appropriations for Fiscal Year 1988, directs the Office of Personnel Management to establish by regulation a program under which the unused accrued annual leave of officers or employees of the Federal Government may be transferred for use by other officers or employees who need such leave because of a personal emergency. This authority will terminate on September 30, 1988. The program established by these regulations continues and expands the temporary leave transfer program established under Public Laws 99–500 and 99–591 and Executive Order 12589 of March 18, 1987, which authorized leave transfer in three cases of personal emergency.

The expanded temporary leave transfer program has Governmentwide applicability and will continue to test the concept of providing income protection through the transfer of annual leave to an employee affected by a personal emergency. Under the interim regulations, an employee who has been affected by a personal emergency *on or after December 22, 1987,* may submit an application to his or her employing agency to become a leave recipient. Annual leave transferred under the interim regulations will be available for use on a current basis or may be retroactively substituted for leave without pay or used to liquidate advanced annual or sick leave granted to an *approved* leave recipient on or after October 30, 1986 (the date of enactment of Pub. L. 99–591), in response to the personal emergency.

Because the interim regulations delegate to each Federal agency the responsibility for approving applications to become a leave recipient, each Federal agency must establish procedures for administering this program as quickly as possible. Before approving an application to become a leave recipient, the interim regulations require the potential leave recipient's employing agency to determine that the absence from duty without available paid leave because of the personal emergency is (or is expected to be) at least 10 workdays. Though an agency must accept applications to become a leave recipient before establishing its administrative procedures, the approval and actual transfer of annual leave to a leave recipient cannot be accomplished until those procedures have been established.

We anticipate that the needs of most leave recipients can be satisfied through the transfer of annual leave from other employees of the leave recipient's employing agency. However, if the leave recipient's employing agency determines that the amount of annual leave transferred by leave donors within the agency may not be sufficient to meet the needs of the leave recipient, the employing agency may accept the transfer of annual leave from a leave donor of another agency. In addition, the interim regulations limit the total amount of annual leave that may be donated by any employee in a leave year to ensure that each leave donor retains some annual leave for personal use and to control the donation of annual leave that otherwise would be subject to forfeiture at the end of the leave year.

Under 5 U.S.C. 7351, an employee is prohibited from soliciting a contribution from another employee for a gift to an official superior, making a donation as a gift to an official superior, or accepting a gift from an employee receiving less pay. Therefore, the interim regulations prohibit a leave recipient's employing agency from transferring annual leave to a leave donor's official superior or an employee in a position at a higher grade or pay level than the leave donor.

A leave recipient may use transferred annual leave for the same purposes as if he or she had accrued the leave. However, the transferred annual leave will not be the basis for a lump-sum payment upon separation of the recipient. As required by Pub. L. 100–200, to the extent administratively feasible (as determined by the leave recipient's employing agency), any transferred annual leave remaining to the credit of the leave recipient will be restored to the leave donors when the personal emergency terminates. The interim regulations also provide that if a leave recipient's application for disability retirement has been approved by the Office of Personnal Management, the leave recipient may not receive or use any additional transferred annual leave, and the personal emergency is considered to be terminated.

Pursuant to section 553 (b)(3)(B) and (d)(3) of title 5, United States Code, I find that good cause exists for waiving the general notice of proposed rulemaking and for making this amendment effective in less than 30 days. The notice and the 30-day delay in the effective date are being waived because of the need to facilitate the implementation of the temporary leave transfer program by Federal agencies.

E.O. 12291, Federal Regulation

I have determined that this is not a major rule as defined under section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because they will affect only Federal employees and agencies.

List of Subjects in 5 CFR Part 630

Government employees, Employee benefit plan.

U.S. Office of Personnel Management.

Constance Horner,

Director.

Accordingly, the Office is amending Part 630 of Title 5 of the Code of Federal Regulations as follows:

PART 630—ABSENCE AND LEAVE

1. The authority citation for Part 630 is revised to read as set forth below:

Authority: 5 U.S.C. 6311; Section 630.303 also issued under 5 U.S.C. 6133(a); Section 630.501 and Subpart F also issued under E.O. 12228; Subpart G also issued under 5 U.S.C. 6305; Subpart H issued under 5 U.S.C. 6326; Subpart I also issued under Pub. L. 100–202.

2. In Part 630, Subpart I is revised to read as follows:

* * * * *

Subpart I—Temporary Leave Transfer Program

Sec.

Subpart I—Temporary Leave Transfer Program

§ 630.901 Purpose and applicability.

(a) *Purpose.* The purpose of this subpart is to set forth procedures and requirements for a temporary leave transfer program under which the unused accrued annual leave of one agency officer or employee may be transferred for use by another agency officer or employee who needs such leave because of a personal emergency.

(b) *Applicability.* This subpart applies to officers and employees to whom subchapter I of chapter 63 of Title 5, United States Code, applies.

§ 630.902 Definitions.

"Agency" means an "Executive agency," as defined in 5 U.S.C. 105.

"Employee" has the meaning given that term in 5 U.S.C. 6301(2).

"Leave donor" means an employee whose voluntary written request for transfer of annual leave to the annual leave account of a leave recipient is approved by his or her own employing agency.

"Leave recipient" means a current employee for whom the employing agency has approved an application to receive annual leave from the annual leave accounts of one or more leave donors.

"Personal emergency" means a medical or family emergency or other hardship situation that is likely to require an employee's absence from duty for a prolonged period of time and to result in a substantial loss of income to the employee because of the unavailability of paid leave.

"Representative rate" has the meaning given that term in § 536.102 of this chapter.

§ 630.903 Administrative procedures.

Each Federal agency shall establish procedures to administer the temporary leave transfer program established by the Office of Personnel Management under Pub. L. 100–202 and this subpart.

§ 630.904 Application to become a leave recipient.

(a) An employee who has been affected by a personal emergency on or after December 22, 1987, may make written application to his or her employing agency to become a leave recipient. If such an employee is not capable of making application on his or her own behalf, another employee of the potential leave recipient's employing agency may make written application on his or her behalf.

(b) Each application shall be accompanied by the following information concerning each potential leave recipient:

(1) The name, position title, and grade or pay level of the potential leave recipient;

(2) A brief description of the nature, severity, and anticipated duration of the medical, family, or other hardship situation affecting the potential leave recipient; and

(3) Any additional information that may be required by the potential leave recipient's employing agency, including medical documentation, if appropriate.

§ 630.905 Approval of application to become a leave recipient.

(a) The potential leave recipient's employing agency shall review an application to become a leave recipient under procedures established by the employing agency for the purpose of determining that the potential leave recipient has been affected, on or after December 22, 1987, by a "personal emergency," as defined in § 630.902 of this part.

(b) Before approving an application to become a leave recipient, the potential leave recipient's employing agency shall determine that the absence from duty without available paid leave because of the personal emergency is (or is expected to be) at least 10 workdays.

(c) In making a determination as to whether a "personal emergency" is likely to result in a substantial loss of income, an agency shall not consider factors other than whether the absence from duty without available paid leave is (or is expected to be) at least 10 workdays.

(d) If the application is approved, the employing agency shall notify the leave recipient (or another employee who made application on behalf of the leave recipient), within 30 calendar days after the date the application was received (or the date the employing agency established its administrative procedures, if that date is later), that—

(1) The application has been approved; and

(2) Other employees of the leave recipient's employing agency may request the transfer of annual leave to the account of the leave recipient.

(e) If the application is not approved, the employing agency shall notify the applicant (or another employee who made application on behalf of the potential leave recipient), within 30 calendar days after the date the application was received (or the date the employing agency established its administrative procedures, if that date is later)—

(1) That the application has not been approved; and

(2) Of the reasons for its disapproval.

§ 630.906 Transfer of annual leave.

(a) An employee may submit a voluntary written request to his or her own employing agency that a specified number of hours of his or her accrued

annual leave be transferred from his or her annual leave account to the annual leave account of a specified leave recipient. Except as provided in paragraph (e) of this section, annual leave may be transferred only to a leave recipient employed by the leave donor's employing agency.

(b) Except as provided in paragraph (c) of this section and subject to the limitations on the amount of annual leave that may be donated by a leave donor under § 630.909 of this part, all or any portion of the annual leave requested under paragraph (a) of this section may be transferred to the annual leave account of the specified leave recipient under procedures established by the leave recipient's employing agency.

(c) A leave recipient's employing agency shall not transfer annual leave to a leave donor's official superior or an employee in a position at a higher grade or pay level than the leave donor. In the case of annual leave transfers between employees under different pay schedules or pay systems, the representative rate of the grade or pay level of the leave recipient shall be compared with the representative rate of the grade or pay level of the potential leave donor. If the representative rate of the grade or pay level of the leave recipient is greater than the representative rate of the grade or pay level of the potential leave donor, the leave recipient's employing agency shall not transfer annual leave from the potential leave donor to the leave recipient.

(d) Annual leave transferred under this section may be substituted retroactively for periods of leave without pay (LWOP) or used to liquidate an indebtedness for advanced annual or sick leave granted on or after October 30, 1986, or a later date fixed by the leave recipient's employing agency as the beginning of the period of personal emergency for which LWOP or advanced annual or sick leave was granted.

(e) A leave recipient's employing agency may accept the transfer of annual leave from leave donors employed by one or more other agencies when, in its judgment, the amount of annual leave transferred from leave donors employed by the leave recipient's employing agency may not be sufficient to meet the needs of the leave recipient. Before accepting the transfer of annual leave from a leave donor of another employing agency, the leave recipient's employing agency shall verify that the leave donor's employing agency has approved the leave donor's request to transfer annual leave to the specified leave recipient.

§ 630.907 Limitations on donation of annual leave.

(a) In any one leave year, a leave donor may donate no more than a total of one-half of the amount of annual leave he or she would be entitled to accrue during the leave year in which the donation is made.

(b) A leave donor who is projected to have annual leave that otherwise would be subject to forfeiture at the end of the leave year under 5 U.S.C. 6304(a) may donate no more than the number of hours remaining in the leave year (as of the date of the transfer) for which the leave donor is scheduled to work and receive pay.

§ 630.908 Use of transferred annual leave.

(a) A leave recipient may use annual leave transferred to his or her annual leave account under § 630.906 of this part in the same manner and for the same purposes as if he or she had accured the annual leave under 5 U.S.C. 6303. However, annual leave that accrues to the account of the leave recipient shall be used before any transferred annual leave.

(b) The approval and use of transferred annual leave shall be subject to all of the conditions and requirements imposed by Chapter 63 of Title 5, United States Code, Part 630 of this chapter, and the employing agency on the approval and use of annual leave accrued under 5 U.S.C. 6303, except that transferred annual leave may accumulate without regard to the limitation imposed by 5 U.S.C. 6304(a).

(c) Transferred annual leave may not be—

(1) Transferred to another leave recipient under this subpart;

(2) Transferred to another Federal agency upon the leave recipient's transfer of employment;

(3) Included in a lump-sum payment under 5 U.S.C. 5551 or 5552; or

(4) Made available for recredit under 5 U.S.C. 6306 upon reemployment by a Federal agency.

§ 630.909 Termination of personal emergency.

(a) The personal emergency affecting a leave recipient shall terminate—

(1) When the leave recipient's employment is terminated by the agency that approved his or her application to become a leave recipient;

(2) At the end of the biweekly pay period in which the leave recipient's employing agency determines that the leave recipient is no longer affected by a personal emergency; or

(3) At the end of the biweekly pay period in which the leave recipient's employing agency receives notice that the Office of Personnel Management has approved an application for disability retirement for the leave recipient under the Civil Service Retirement System or the Federal Employees Retirement System.

(b) The leave recipient's employing agency shall continously monitor the status of the personal emergency affecting the leave recipient to ensure that the leave recipient continues to be affected by a personal emergency.

(c) When the personal emergency affecting a leave recipient terminates, no further requests for transfer of annual leave to the leave recipient may be granted, and any unused transferred annual leave remaining to the credit of the leave recipient shall be restored to the leave donors under § 630.910 of this part.

§ 630.910 Restoration of transferred annual leave.

(a) Under procedures established by the leave recipient's employing agency, any transferred annual leave remaining to the credit of a leave recipient when the personal emergency terminates shall be restored, to the extent administratively feasible (as determined by the leave recipient's employing agency), by transfer to the annual leave accounts of leave donors currently employed by a Federal agency and subject to Chapter 63 of Title 5, United States Code, on the date the personal emergency terminates, as provided in paragraphs (b) and (c) of this section.

(b) The amount of unused transferred annual leave to be restored to each leave donor shall be determined as follows:

(1) Divide the number of hours of unused transferred annual leave by the total number of hours of annual leave transferred to the leave recipient;

(2) Multiply the ratio obtained in paragraph (b)(1) of this section by the number of hours of annual leave transferred by each leave donor eligible for restoration under paragraph (a) of this section; and

(3) Round the result obtained in paragraph (b)(2) of this section to the nearest increment of time established by the leave donor's employing agency to account for annual leave.

(c) If the total number of eligible leave donors exceeds the total number of hours of annual leave to be restored, no unused transferred annual leave shall be restored. In no case shall the amount of annual leave restored to a leave donor

exceed the amount transferred to the leave recipient by the leave donor.

(d) Transferred annual leave restored to the account of a leave donor before the beginning of the third biweekly pay period before the end of the leave year shall be subject to the limitation imposed by 5 U.S.C. 6304(a).

(e) Transferred annual leave restored to the account of a leave donor after the beginning of the third biweekly pay period before the end of the leave year shall not be subject to the limitation imposed by 5 U.S.C. 6304(a) until the end of the leave year following the leave year in which the transferred annual leave was restored.

§ 630.911 Prohibition of coercion.

(a) An employee may not directly or indirectly intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any other employee for the purpose of interfering with any right such employee may have with respect to donating, receiving, or using annual leave under this subpart.

(b) For the purpose of paragraph (a) of this section, the term "intimidate, threaten, or coerce" includes promising to confer or conferring any benefit (such as an appointment or promotion or compensation) or effecting or threatening to effect any reprisal (such as deprivation of appointment, promotion, or compensation).

§ 630.912 Records and reports.

The Office of Personnel Management may require agencies to maintain records and report pertinent information to the Office concerning the administration of the temporary leave transfer program for the purpose of evaluating the desirability, feasibility, and cost of a voluntary leave transfer program.

§ 630.913 Termination of temporary leave transfer program.

(a) The temporary leave transfer program shall terminate on September 30, 1988.

(b) If the temporary leave transfer program terminates before the termination of the personal emergency affecting a leave recipient, any annual leave transferred to the leave recipient before the termination of the temporary leave transfer program shall remain available for use by the leave recipient until the termination of the personal emergency.

§ 630.914 Treatment of leave recipients selected under Public Laws 99-500 and 99-591 and Executive Order 12589 of March 18, 1987.

(a) Except as provided in paragraph (b) of this section, the regulations governing the program established by the Office of Personnel Management under Public Law 100-202 shall apply to leave recipients selected under Public Laws 99-500 and 99-591 and Executive Order 12589 of March 18, 1987.

(b) The authority to transfer sick leave to a leave recipient selected under Public Laws 99-500 and 99-591 and Executive Order 12589 of March 18, 1987, shall continue until April 7, 1988. After that date, no further transfers of sick leave may be permitted. However, any sick leave transferred to such a leave recipient before that date shall remain available for use by the leave recipient until the termination of the personal emergency.

[FR Doc. 88-5118 Filed 3-7-88; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 907 and 908

Expenses and Assessment Rates for Specified Marketing Orders

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule authorizes expenditures and establishes assessment rates under Marketing Order Nos. 907 and 908 for the 1987-88 fiscal year established for each order. Funds to administer these programs are derived from assessments on handlers.

EFFECTIVE DATES: November 1, 1987, through October 31, 1988 (§§ 907.225 and 908.227).

FOR FURTHER INFORMATION CONTACT: Patricia A. Petrella, Marketing Specialist, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2525-S, Washington, DC 20090-6456; telephone: (202) 447-5697.

SUPPLEMENTARY INFORMATION: This final rule is issued under Marketing Order Nos. 907 (7 CFR Part 907) and 908 (7 CFR Part 908), regulating the handling of California-Arizona navel and Valencia oranges. Both orders are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the Act.

This final rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512-1 and has been determined to be a "nonmajor" rule under criteria contained therein.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this final rule on small entities.

While this action will impose some additional costs on handlers, the costs are in the form of uniform assessments on all handlers. Some of the additional costs may be passed on to producers. However, these costs will be significantly offset by the benefits derived from the operation of the marketing orders. Therefore, the Administrator of the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

A proposed rule was issued on January 27, 1988, and published in the **Federal Register** (53 FR 2850, February 2, 1988). That document contained a proposal to add §§ 907.225 and 908.227 to establish expenses and assessments for the Navel Orange Administrative Committee and the Valencia Orange Administrative Committee (Committees), respectively. That rule provided that interested persons could file comments through February 12, 1988. No comments were received.

It is found that the specified expenses are reasonable and likely to be incurred and that such expenses and the specified assessment rates to cover such expenses will tend to effectuate the declared policy of the Act.

These budgets and assessment rates should be expedited because the Committees need to have sufficient funds to pay their expenses which are incurred on a continuous basis. In addition, handlers are aware of this action which was recommended by the Committees at public meetings. Therefore, the Secretary also finds that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** (5 U.S.C. 553).

List of Subjects in 7 CFR Parts 907 and 908

Marketing agreements and orders, California, Arizona, Oranges, Navel, Valencia.

For the reasons set forth in the preamble, §§ 907.225 and 908.227 are added as follows:

PARTS 907 AND 908—[AMENDED]

1. The authority citation for both 7 CFR Parts 907 and 908 continues to read as follows:

Authority: Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

2. New §§ 907.225 and 908.227 are added to read as follows: (*These sections will not appear in the Code of Federal Regulations.*)

§ 907.225 Expenses and assessment rate.

Expenses of $1,160,020 by the Navel Orange Administrative Committee are authorized, and an assessment rate of $0.026 per carton of navel oranges is established for the fiscal year ending October 31, 1988. Unexpended funds from the 1987–88 fiscal year may be carried over as a reserve.

§ 908.227 Expenses and assessment rate.

Expenses of $669,030 by the Valencia Orange Administrative Committee are authorized, and an assessment rate of $0.029 per carton of Valencia oranges is established for the fiscal year ending October 31, 1988. Unexpended funds from the 1987–88 fiscal year may be carried over as a reserve.

Dated: March 3, 1988.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 88–4969 Filed 3–7–88; 8:45 am]

BILLING CODE 3410–02–M

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7 CFR Part 959

Onions Grown in South Texas; Amendment to Rules and Regulations To Authorize Collection of Planting Data

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule requires handlers to provide information to the South Texas Onion Committee on onion plantings periodically during the planting season. Planting times for onions are staggered so that the entire crop will not mature at the same time. By knowing when the onions were planted and the number of acres planted, the industry will be better able to judge the volume of available supplies during the shipping period and plan the activities of the marketing development program to coincide with the heaviest volume.

EFFECTIVE DATE: April 7, 1988.

FOR FURTHER INFORMATION CONTACT: Robert F. Matthews, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2525–S, Washington, DC 20090–6456; telephone 202–447–2431.

SUPPLEMENTARY INFORMATION: This rule is effective under Marketing Order No. 959 (7 CFR Part 959), regulating the handling of onions grown in South Texas. This order is authorized by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the Act.

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3507), the information collection requirements included in this rule have been approved by the Office of Management and Budget (OMB) under OMB No. 0581–0074.

Notice was given in the December 28, 1987, **Federal Register** (52 FR 48826), affording interested persons 30 days in which to file written comments. None were filed.

This final rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512–1 and has been determined to be a "non-major" rule under criteria contained therein.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act and rules issued thereunder are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 40 handlers of onions subject to regulation under the South Texas Onion Marketing Order and approximately 160 onion producers in the production area. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.2) as those having annual gross revenues for the last three years of less than $500,000, and small agricultural service firms are defined as those whose gross annual receipts are less than $3,500,000. The majority of handlers and producers of South Texas onions may be classified as small entities.

This rule requires handlers to report to the committee the acreage and planting dates of all onions that they anticipate handling during the shipping season. Growers typically contract with handlers prior to the beginning of the season to arrange for sorting, grading, packing and, in some cases harvesting. During this period, handlers and the growers they service usually decide jointly on planting schedules so that acreage that matures during a specific interval does not exceed the capacity of the handler's facilities. Hence, handlers are well aware of the size and timing of plantings since they took an active part in the planting phase.

For the past five seasons the South Texas Onion Committee has undertaken a market development program aimed at finding ways to increase the movement of production area onions. The program has expanded each year, its budget increasing from $25,000 the first season to $141,351 for the upcoming season. The program has centered around promoting South Texas onions within the trade, with emphasis on receivers, retailers, and food page editors.

Experience during the past five seasons has indicated a need for information concerning the anticipated volume of marketings on a weekly or bi-weekly basis during the shipping season. With this information available, plans can be developed before the season begins in order to allocate program resources to produce the best results. The committee believes the best method for obtaining the necessary information is to require handlers to report actual plantings to the committee every two weeks during the planting season. Additionally, the information developed from these reports will be made available to the industry, on a composite basis to avoid divulging individual handlers' operations. This should further aid growers and handlers in making marketing decisions during the season. Inasmuch as the information desired by the committee is already available, having been developed by the handlers themselves, the additional reporting burden will be minimal.

Based on the above, the Administrator of AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

After consideration of the information and recommendation submitted by the committee and other available information, it is found that adding § 959.115 will tend to effectuate the declared policy of the Act.

List of Subjects in 7 CFR Part 959

Marketing agreements and orders, Onions, Texas.

For the reasons set forth in the preamble, 7 CFR Part 959 is amended as follows:

PART 959—ONIONS GROWN IN SOUTH TEXAS

1. The authority citation for 7 CFR Part 959, Onions Grown in South Texas, continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

2. Part 959, Subpart—Rules and Regulations, is hereby amended by adding a new § 959.115 as follows:

§ 959.115 Planting reports.

Each handler shall furnish every two weeks during the planting season to the committee, on a form provided by the committee, the number of acres of onions planted by the handler or growers for whom the handler packs onions during such period and the location of such plantings.

Dated: March 3, 1988.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 88-4970 Filed 3-7-88; 8:45 am]

BILLING CODE 3410-02-M

Farmers Home Administration

7 CFR Parts 1823, 1900, 1940, 1951, 1955, 1962, 1965, and 1980

Highly Erodible Land and Wetland Conservation

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to finalize an interim rule and to include servicing requirements which set forth the terms and conditions under which a person who has produced an agricultural commodity on highly erodible land or converted wetland shall be declared ineligible for insured and guaranteed Farmer Program loans and loans to Indian Tribes and Tribal Corporations administered by the Farmers Home Administration, as required by Subtitles B and C of Title XII of the Food Security Act of 1985 (Pub. L. 99-198). This rule implements and is consistent with the Department of Agriculture's rule for implementing Subtitles B and C which was issued in the **Federal Register** of September 17, 1987 (52 FR 35194).

EFFECTIVE DATE: March 8, 1988.

FOR FURTHER INFORMATION CONTACT: John E. Hansel, Environmental Protection Specialist, Farmers Home Administration, USDA, Room 6309, South Agricultural Building, 14th Street and Independence Avenue, SW., Washington, DC 20250, telephone (202) 382-9619.

SUPPLEMENTARY INFORMATION:

Classification

This action has been reviewed under USDA procedures established in Departmental Regulation 1512-1, which implements Executive Order 12291, and in conjunction with the Departmental rule on this subject has been classified as major. It has been determined that an annual effect on the economy of $100 million or more may result from implementation of the provisions of this rule and the Department's rule on this same subject. Copies of the Department's regulatory impact analysis are available upon request from Mr. Alex King, Program Specialist, Cotton, Grain, and Rice Price Support Division, Agricultural Stabilization and Conservation Service (ASCS), United States Department of Agriculture (USDA), P.O. Box 2415, Washington, DC 20013, telephone: (202) 382-9886.

It has been determined that this action in combination with the Department's rule on this same subject may have a significant economic impact on a substantial number of small entities. The Department's analysis prepared for this action includes a regulatory flexibility analysis.

Intergovernmental Consultation

For the reasons set forth in 7 CFR Part 3015, Subpart V, "Intergovernmental Review of Department of Agriculture Programs and Activities" (December 1, 1983), Emergency Loans (10.404), Farm Operating Loans (10.406), Farm Ownership Loans (10.407) and Indian Tribes and Tribal Corporations (10.421) are excluded from the scope of Executive Order 12372. This order requires intergovernmental consultation with State and local officials.

Programs Affected

These changes affect the following FmHA programs are listed in the Catalog of Federal Domestic Assistance:

10.404—Emergency Loans
10.406—Farm Operating Loans
10.407—Farm Ownership Loans
10.421—Loans to Indian Tribes and Tribal Corporations

Environmental Impact Statement

This document has been reviewed in accordance with 7 CFR Part 1940, Subpart G, "Environmental Program." Based on the Department's environmental assessment prepared for the interim rule and the review of this assessment made in connection with issuance of the Department's final rule (See 52 FR 35194), it has been determinated that the final action does not constitute a major Federal action significantly affecting the quality of the human environment, and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91-190, an Environmental Impact Statement is not required.

Discussion of Final Rule

The interim rule was published by the Office of the Secretary, USDA, and Farmers Home Administration (FmHA), on June 27, 1986, in the **Federal Register** (51 FR 23496-23514). The Department has finalized all of the interim rule except for the FmHA portion which is being finalized by this publication.

Memorandum of Law

I have reviewed the regulations which the Farmers Home Administration (FmHA) is issuing as a final rule to implement Subtitles B and C of Title XII of the Food Security Act of 1985 (Pub. L. 99-198). I find that these regulations comply with that statute and that FmHA has the authority to issue such regulations pursuant to section 339 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1989) and section 1244 of the Food Security Act of 1985 (16 U.S.C. 3844).

Christopher Hicks,

General Counsel.

December 11, 1987.

The Farmers Home Administration (FmHA) consequently amends its regulations to provide for the requirements of Subtitles B and C of Title XII of the Food Security Act of 1985 (the Act), 16 U.S.C. 3801 *et seq.* Those provisions of the Act remove any incentives that the FmHA financial assistance programs could provide recipients to cultivate highly erodible land or to convert wetlands for the purpose of producing an agricultural commodity. Sections 1211 and 1221 of the Act provide, generally, that any person who, in any crop year, produces an agricultural commodity, without an approved conservation system, on a nonexempt field in which highly erodible land is predominant or produces an agricultural commodity on any wetland converted after December 23, 1985, will be ineligible for loans made, insured, or guaranteed under any provision of law administered by the FmHA if it is determined that the proceeds of such loan will be used for a purpose that will contribute to excessive erosion of highly erodible land or to the conversion of wetland for agricultural commodity production.

Discussion of Comments and FmHA's Responses

Section 1940.304—Special policy: Seven comments were received concerning the FmHA wetland protection policy contained within this section. Respondents were concerned that this policy was weaker than that required by the wetland conservation provisions of the Food Security Act. After reviewing the comments received on this point, it is evident that there is a

misunderstanding and that clarifications are necessary.

The reason for the confusion is that this section predates the Act. The wetland protection policy within it was originally based upon the requirements of Executive Order 11990, Protection of Wetlands, and applies to all FmHA financial assistance programs. Under the requirements of the Executive Order, FmHA will not finance the conversion of a wetland unless there is no practicable alternative to the conversion and all practicable mitigation measures have been included in the proposal.

On the other hand, the wetland conservation provisions of the Food Security Act apply only to Farmer Program loans and loans to Indian Tribes and Tribal Corporations and are more restrictive than the Executive Orders. No discretion is provided FmHA. Financial assistance cannot be provided for the conversion of a nonexempt wetland in order to produce an agricultural commodity.

The interim rule amended this section and incorporated for the above-mentioned activities the more restrictive provisions of the Act by a cross-reference to the FmHA implementation requirements contained in Exhibit M of Subpart G of Part 1940 of this chapter. Since the cross-reference has resulted in confusion, the section has been further amended to clarify that the Act's wetland conservation requirements supersede those of the Executive Order for these activities.

Exhibit M of Subpart G of Part 1940, Paragraph 2.—Applicability: Numerous FmHA field offices have asked why the interim rule does not apply to loans for the sale of inventory property, loans to Indian Tribes and some loan servicing actions on loans made prior to the effective date of the Food Security Act. Some servicing actions can be the equivalent of new financial assistance and, therefore, this is a valid question. After reviewing these concerns, it has been determined that the following loan servicing actions fall under the requirements of Exhibit M: subordinates, transfers, and assumptions. Loans to Indian Tribes and Tribal Corporations as well as loans for the sale of inventory property have also been included under the scope of Exhibit M.

Exhibit M of Subpart G of Part 1940, Paragraph 3.b.—Highly Erodible Land Conservation: Six comments were received indicating that Exhibit M only provides for approval of conservation plans and conservation systems by the SCS. Since conservation districts also have these approval authorities, the commenters requested that the district's authorities also be referenced. This change has been made at all relevant points in Exhibit M with the provision that FmHA will consult with SCS to determine if a conservation district has approved a conservation plan or system.

Exhibit M of Subpart G of Part 1940, Paragraph 3.c.—Wetland conservation: As requested by one commenter, the language in this subparagraph has been revised to repeat the definition of a converted wetland contained in Section 12.2(a)(6) of Subpart A of Part 12 of this chapter.

Exhibit M of Subpart G of Part 1940, Paragraph 3.d.—Use of loan proceeds: One commenter strongly supported the FmHA requirement that if FmHA loan proceeds are substituted to pay other farming costs while non-FmHA funds are used by the borrower to undertake a prohibited activity, this substitution will be deemed to be a violation of the provisions of Exhibit M. Another commenter stated that this was a restrictive approach. Three others recommended that since it will be very difficult for FmHA to prove that such a substitution of resources has occurred, FmHA should conclude that substitution has occurred whenever during the term of a loan covered by Exhibit M, the borrower undertakes a prohibited activity with non-FmHA funds. Since the Agency's field staff has frequently raised the same concern over the difficulty of identifying a substitution of resources, Exhibit M has been changed in the manner recommended. Affected borrowers who believe that they have not substituted resources will be able to explain the facts of their case to the Agency and appeal any adverse decision under the Agency's appeal process.

Also under paragraph 3.d., another party commented that it was unfair of FmHA to deny a farm ownership loan to an applicant because a previous owner had converted a wetland on the property after the date of the act. This is not a correct understanding of Exhibit M's requirements. FmHA would not categorically deny such a loan request. FmHA could approve the loan and meet the requirements of Exhibit M if (1) the applicant agreed not to cultivate the converted wetland for at least ten crop years after the crop year in which the wetland was converted and (2) the applicant can demonstrate, should it desire to cultivate the converted wetland, that after the expiration of the ten-year period it will be able to repay the loan without reliance upon any USDA financial assistance programs subject to wetland conservation restrictions. As was stated in the preamble to the interim rule, the ten-year prohibition is necessary in order to provide an economic disincentive to the approach of using non-FmHA funds to convert a wetland and then applying to FmHA for a loan to assist in cultivating the converted wetland.

Exhibit M of Subpart G of Part 1940, Paragraph 6.—FmHA's application review: FmHA field officials recommended that rather than inserting into loan approval documents on a case by case basis special loan conditions for compliance with Exhibit M, these conditions should be printed on FmHA loan approval documents. This recommendation has been followed and paragraphs 6 and 7 of the exhibit have been revised accordingly. So that borrowers will not miss the significance of these conditions, affected borrowers will be notified of the conditions by letter at the time of loan acceptance.

Exhibit M of Subpart G of Part 1940, Paragraph 11.c.—Exemptions from wetland conservation: In addition to amending the interim rule in response to public comments, additional amendments are included in this final rule in order to incorporate the changes made by the Department's final rule. The most important of these incorporations implements for FmHA's inventory property the Department's position regarding abandonment of crop production on a converted wetland. (See § 12.32 of 52 FR 35208) Whenever abandonment occurs and wetland conditions return, the affected area is considered to be wetland again for purposes of the rule. FmHA has determined that for its inventory properties, crop production will be considered to have been abandoned on a converted wetland either at the earlier of the time the former owner so abandoned crop production or at the time FmHA caused crop production to be abandoned after the property comes into FmHA's inventory. Additionally, should FmHA inventory property containing a converted wetland be leased, the lease will restrict the converted wetland from crop production.

Finally, the interim rule has been amended to provide editorial changes and clarifications where our experience showed that some confusion existed. All portions of the interim rule that have been amended are reprinted below in this **Federal Register** publication Unchanged portions are not reprinted and are effective as originally published.

List of Subjects

7 CFR Part 1823

Credit, Indians.

7 CFR Part 1900

Appeals, Credit, Loan Programs-housing and community development.

7 CFR Part 1940

Endangered and threatened wildlife, Environmental Protection, Floodplains, National wild and scenic river system, Natural resources, Recreation, Water supply.

7 CFR Part 1951

Accounting, Agriculture, Claims, Community development, Community facilities, Credit, Government employees, Grant programs—housing and community development, Housing, Loan programs—agriculture, Loan programs—housing and community development, Low and Moderate income housing, Reporting and recordkeeping requirements, Rural areas, Wages.

7 CFR Part 1955

Government acquired property, Government property management, Sale of government acquired property.

7 CFR Part 1962

Crops, Government property, Livestock, Loan programs—agriculture, Rural areas.

7 CFR Part 1965

Foreclosure, Loan programs—agriculture, Rural areas.

7 CFR Part 1980

Agriculture, Loan programs—agriculture.

Therefore, Chapter XVIII, Title 7, Code of Federal Regulations is amended as follows:

PART 1823—ASSOCIATION LOANS AND GRANTS—COMMUNITY FACILITIES, DEVELOPMENT, CONSERVATION, UTILIZATION

1. The authority citation for Part 1823 continues to read as follows:

Authorities: 25 U.S.C. 490; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Under Secretary for Small Communities and Rural Development, 7 CFR 2.70.

Subpart N—Loans to Indian Tribes and Tribal Corporations

2. Section 1823.405 is revised to read as follows:

§ 1823.405 Ineligible Loan Purposes.

Loan funds may not be used for any improvement or development purposes, acquisition or repair of buildings or personal property, payment of operating costs, refinancing of debts, payment of finder's fees, or similar costs. Loans also may not be made for any purpose that will contribute to excessive erosion of highly erodible land or to the conversion of wetlands to produce an agricultural commodity, as further explained in Exhibit M of Subpart G of Part 1940 of this chapter.

PART 1900—GENERAL

3. The authority citation for Part 1900 continues to read as follows:

Authority: 7 U.S.C. 1989; 42 U.S.C. 1480; 5 U.S.C. 301; 7 CFR 2.23; 7 CFR 2.70

Subpart B—Farmers Home Administration Appeal Procedure

4. Section 1900.55 is amended by redesignating paragraphs (c) through (f) as (d) through (g), and by changing the references to paragraphs (c) and (d) in the first sentence of the newly redesignated paragraphs (f) and (g) to (d) and (e), and by adding a new paragraph (c) to read as follows:

§ 1900.55 FmHA actions to limit the need for appeals.

* * * * *

(c) Appeals from applicants for, or borrowers of, Farmer Programs loans or loans to Indian Tribes and Tribal Corporations who are denied assistance based on reasons relating to highly erodible land, wetland or converted wetland (see Exhibit M of Subpart G of Part 1940 of this chapter for applicable FmHA requirements) will be handled as follows: Appeals questioning either the presence of a wetland, converted wetland, or highly erodible land on a particular property or application to a property of the exemptions identified in paragraph 11 b and c of Exhibit M of Subpart G of Part 1940 of this chapter must be filed directly with the USDA agency making the determination in accordance with its administrative appeal procedures. If the denial of assistance involves an adverse decision based on determinations made both by FmHA and another USDA Agency, the appeal will be handled by both agencies in two separate appeals which as much as possible should be handled concurrently. See § 12.12 of Subpart A of Part 12 of Subtitle A (Attachment 1 of Exhibit M of Subpart G of Part 1940 of this chapter which is available in any FmHA office).

* * * * *

PART 1940—GENERAL

5. The authority citation for Part 1940 is revised to read as follows:

Authority: 7 U.S.C. 1989; 42 U.S.C. 1480; 5 U.S.C. 301; 16 U.S.C. 3844; 7 CFR 2.23; 7 CFR 2.70.

Subpart G—Environmental Program

6. Section 1940.304 is amended by revising paragraph (a)(1) to read as follows:

§ 1940.304 Special policy.

(a) * * *

(1) FmHA recognizes that its special mission of assisting rural areas composed of farms and rural towns, goes hand-in-hand with protecting the environmental resources upon which these systems are dependent. Basic resources necessary to both farm and rural settlements include important farmlands and forestlands, prime rangelands, wetlands, and floodplains. The definitions of these areas are contained in the Appendix to Departmental Regulation 9500-3, "Land Use Policy," which is included as Exhibit A. For assistance in locating and defining floodplains and wetlands, the locations and telephone numbers of the Federal Emergency Management Agency's regional offices have been included as Exhibit J, and similar information for the U.S. Fish and Wildlife Service's Wetland Coordinators has been included as Exhibit K. Given the importance of these resources, as emphasized in the Departmental Regulation, Executive Order 11988, "Floodplain Management," and Executive Order 11990, "Protection of Wetlands," it is FmHA's policy not to approve or fund any proposals that, as a result of their identifiable impacts, direct or indirect, would lead to or accommodate either the conversion of these land uses or encroachment upon them. The only exception to this policy is if the approving official determines that—

(i) There is no practicable alternative to the proposed action,

(ii) The proposal conforms to the planning criteria identified in paragraph (a)(2) of this section, and

(iii) The proposal includes all practicable measures for reducing the adverse impacts and the amount of conversion/encroachment.

For Farmer Program loans and guarantees and loans to Indian Tribes and Tribal Corporations, Exhibit M of this subpart imposes additional and more restrictive requirements regarding wetland and highly erodible land conservation. Unless otherwise exempted by the provisions of Exhibit M, the proceeds of any Farmer Program loan or loan to an Indian Tribe or Tribal Corporation made or guaranteed by FmHA cannot be used (i) for a purpose that will contribute to excessive erosion of highly erodible land (as defined in

Exhibit M) or (ii) for a purpose that will contribute to conversion of wetlands (as defined in Exhibit M) to produce an agricultural commodity.

* * * * *

7. Exhibit C to Subpart G is amended by revising paragraph 1. to read as follows:

Exhibit C—Implementation Procedures for the Farmland Protection Policy Act; Executive Order 11988, Floodplain Management; Executive Order 11990, Protection of Wetlands; and Departmental Regulation 9500–3, Land Use Policy

1. *Background.* Subtitle I of the Agriculture and Food Act of 1981, Pub. L. 97–98, created the Farmland Protection Policy Act. The Act requires the consideration of alternatives when an applicant's proposal would result in the conversion of important farmland to nonagricultural uses. The Act also requires that Federal programs, to the extent practicable, be compatible with State, local government, and private programs and policies to protect farmland. The Departmental Regulation 9500–3, "Land Use Policy" (the Departmental Regulation), also requires the consideration of alternatives, but is much broader than the Act in that it addresses the conversion of land resources other than farmland. The Departmental Regulation is included as Exhibit A to this subpart. For additional requirements that apply to some Farmer Program loans and guarantees and loans to Indian Tribes and Tribal Corporations and that cover the conservation of wetlands and highly erodible land, see Exhibit M of this subpart.

* * * * *

8. Exhibit M to Subpart G is revised to read as follows:

Exhibit M—Implementation Procedures for the Conservation of Wetlands and Highly Erodible Land Affecting Farmer Program Loans and Loans to Indian Tribes and Tribal Corporations

1. *Background.* This exhibit implements the requirements of Subtitle B, Highly Erodible Land Conservation, and Subtitle C, Wetland Conservation, of Title XII of the Food Security Act of 1985, Pub. L. 99–198. The purposes of these Subtitles are to: Reduce soil loss due to wind and water erosion; protect the Nation's long term capability to produce food and fiber; reduce sedimentation; improve water quality; assist in preserving the Nation's wetlands; create better habitat for fish and wildlife through improved food and cover; and curb production of surplus commodities by removing certain incentives for persons to produce agricultural commodities on highly erodible land or converted wetland.

2. *Applicability.* The provisions of this exhibit apply to insured and guaranteed Farmer Program loans and loans to Indian Tribes and Tribal Corporations, subordinations, transfers and assumptions of such loans and leases and credit sales of inventory property. For the purpose of this exhibit, "Farmer Program loans" means Farm Operating Loans, Farm Ownership Loans, Emergency Loans, and Soil and Water Loans. As used in this exhibit, the word loan is meant to include guarantee as well. Applicant means an applicant for either an insured or guaranteed loan and borrower means a recipient of either an insured or guaranteed loan.

3. *FmHA prohibited activities.* Unless otherwise exempted by the provisions of this exhibit, the proceeds of any Farmer Program loan or loan to an Indian Tribe or Tribal Corporation made or guaranteed by FmHA will not be used either (a) for a purpose that will contribute to excessive erosion of highly erodible land, or (b) for a purpose that will contribute to conversion of wetlands to produce an agricultural commodity. (See § 12.2(a)(1) of Subpart A of Part 12 of Subtitle A of Title 7, which is Attachment 1 of this exhibit and is available in any FmHA office, for the definition of an agricultural commodity.) Consequently, any applicant proposing to use loan proceeds for an activity contributing to either such purpose, will not be eligible for the requested loan. Any borrower that uses loan proceeds in a manner that contributes to either such purpose will be in default on the loan.

a. *U.S. Department of Agriculture (USDA) definitions.* In implementing this exhibit, FmHA will use the USDA's definitions of the terms found at § 12.2 of Subpart A of Part 12 of Subtitle A of Title 7 (Attachment 1 of this exhibit which is available in any FmHA office).

b. *Highly erodible land conservation.* FmHA will conclude that excessive erosion of highly erodible land results or would result whenever (1) a field on which highly erodible land is predominant, as determined by the Soil Conservation Service (SCS), is or would be used to produce an agricultural commodity without conformance to a conservation system approved either by SCS or the appropriate conservation district, as evidenced by a statement from SCS, and (2) such field is not exempt from the provisions of this exhibit.

c. *Wetland conservation.* FmHA will conclude that a conversion of wetlands to produce an agricultural commodity has occurred or will occur whenever, as determined by SCS, (1) a wetland has or will be drained, dredged, filled, leveled, or otherwise manipulated (including any activity that results in impairing or reducing the flow, circulation, or reach of water) that makes possible the production of an agricultural commodity without further application of the manipulations described herein if (a) such production would not have been possible but for such action and (b) before such action such land was wetland and was neither highly erodible land nor highly erodible cropland; and (2) neither the affected wetland nor the activity affecting the wetland is exempt from the provisions of this exhibit.

d. *Use of loan proceeds.* To use loan proceeds for a purpose that contributes to either the excessive erosion of highly erodible land or the conversion of wetlands to produce an agricultural commodity means that loan proceeds will or have been used in a way that contributes to either excessive erosion of highly erodible land or the conversion of wetlands to produce an agricultural commodity by paying the costs of any of the following:

(1) The purchase of the affected land;

(2) Necessary planning, feasibility, or design studies;

(3) Obtaining any necessary permits;

(4) The purchase, contract, lease or renting of any equipment or materials necessary to carry out the land modification or conversion to include all associated operational costs such as fuel and equipment maintenance costs;

(5) Any labor costs;

(6) The planting, cultivating, harvesting, or marketing of any agricultural commodity produced on nonexempt highly erodible land to include any associated operational or material costs such as fuel, seed, fertilizer, and pesticide costs;

(7) Within the crop year in which the wetland conversion was completed plus the next ten crop years thereafter, the planting, cultivating, harvesting, or marketing of any agricultural commodity produced on the affected land to include any associated operational or materials costs such as fuel, seed, fertilizer and pesticide costs; or

(8) For the same time period as in subparagraph 3d(7) above, any costs associated with using for on-farm purposes an agricultural commodity grown on the affected land.

(9) Additionally, if loan proceeds will be or have been substituted to pay other costs at anytime during the life of the loan so that non-loan funds can be used to pay any of the above costs, it is deemed that loan proceeds will be or have been used for a purpose that contributes to the prohibited activities described in this paragraph.

4. *Prohibited activities under other USDA financial assistance programs.* Unless otherwise exempted, a person becomes ineligible for a variety of USDA financial assistance programs if that person produces in any crop year an agricultural commodity on either a field on which highly erodible land is predominant or a converted wetland. This ineligibility extends to any commodity produced during the crop year that the prohibited action occurs. The programs for which the person would be ineligible include price support payments, farm storage facility loans, disaster payments, crop insurance, payments made for the storage of an agricultural commodity, and payments received under a Conservation Reserve

Program Contract. Farmer Program applicants and borrowers and applicants for, and borrowers of, loans to Indian Tribes and Tribal Corporations, therefore, can be affected not only by the FmHA prohibited activities but also by the broad USDA sweep of the Subtitles B and C restrictions. Should such an applicant rely or plan to rely on any of these other USDA financial assistance programs as a source of funds to repay its FmHA loan(s) and then fail to meet the other program(s)' eligibility criteria related to wetland or highly erodible land conservation, repayment ability to FmHA or the lender of and FmHA guaranteed loan may be jeopardized. Consequently, those applicants who are applying for a loan and those borrowers who receive a loan after the effective date of Subtitles B and C, as designated in Part 12 of Subtitle A of Title 7, and who include in their projected sources of repayment, potential funds from any USDA program subject to some form of Subtitle B or C restrictions will have to demonstrate as part of their applications, and for borrowers, as part of their farm plan of operation, their ability to meet the other program(s)' eligibility criteria. Failure to meet the criteria will require the applicant or borrower either to document an alternative, equivalent source of revenues or, if possible, agree to undertake any steps necessary to gain eligibility for the other program(s). See paragraph 6 of this exhibit for a discussion of such steps.

5. *Applicant's responsibilities.*

a. *Required information.* Every applicant for a Farmer Program loan or a loan to an Indian Tribe or Tribal Corporation will be required to provide the following information and, as applicable, certification as part of the application for financial assistance. An application will not be considered to be complete until this information and certification are provided to FmHA. Once an applicant has provided FmHA with information from SCS on the presence of any highly erodible land, wetland, or converted wetland this information need not be provided again for a subsequent loan unless there is either a change in the property upon which FmHA loan proceeds will be applied or a change in the previous information, such as a change in the status of an exemption. There is a continuing responsibility on FmHA borrowers using other USDA financial assistance programs for repayment purposes to provide the County Supervisor with an executed copy of any similar certification required by the other USDA agency at the time of each required certification.

(1) A statement from the SCS indicating whether or not the applicant's farm property or properties contain either highly erodible land, wetland, or converted wetland and, if so, whether or not the applicant qualifies for a particular exemption to the provisions of this exhibit and as further detailed in paragraph 11 below. The property or properties will be listed and described in accordance with the Agriculture Stabilization and Conservation Service's (ASCS) farm records system. SCS's execution of Form SCS–CPA–26, "Highly Erodible Land and Wetland Conservation Determination," is necessary to meet this information requirement.

(2) If either highly erodible land, wetland, or converted wetland is present, the applicant's properly executed original or carbon copy of Form AD–1026, "Highly Erodible Land and Wetland Conservation Certification."

b. *Required actions.* If at any time during the application review process any of the information or basis for an applicant's certification changes, the applicant (or the lender in the case of a guaranteed loan) must immediately notify FmHA. If an applicant intends to produce an agricultural commodity on a nonexempt field on which highly erodible land is predominant, the applicant must develop a conservation system approved by SCS or the appropriate conservation district, demonstrate that it is or will be in compliance with the system at the time the field is to be used, and provide SCS's concurrence with this position.

6. *FmHA's application review.* The FmHA County Supervisor will review the information provided by the applicant from SCS regarding the presence of any highly erodible land, wetland, or converted wetland and any possible exemptions and take the actions warranted by the presence of one or more of the circumstances described below. In carrying out these actions, FmHA will consider the technical decisions rendered by the SCS and the ASCS, as assigned to these agencies by Subparts A, B, and C of Part 12 of Subtitle A of Title 7 and further explained in this exhibit, to be final and controlling in the remaining FmHA decisionmaking process for this exhibit. It must also be understood that the definition of a wetland used by SCS in implementing this exhibit applies only to this exhibit and not to other wetland protection provisions of Subpart G of Part 1940.

a. *No highly erodible land, wetland, or converted wetland present.* The requested loan can be approved under the provisions of this exhibit and, except for documenting this result in accordance with paragraph 8 of this exhibit, no further action is required.

b. *Converted wetland present.* The County Supervisor will consult with the applicant (and lender, in the case of a guaranteed loan) and the appropriate local office of the ASCS in order to determine if the converted wetland qualifies for the exemption specified in subparagraph c (1) of paragraph 11 of this exhibit. If so, no further action is necessary with respect to the converted wetland except for documenting the result. If the converted wetland does not qualify for an exemption, the County Supervisor will complete one or both of the following steps as the identified circumstances dictate.

(1) Step one. Review both the date that the wetland was converted and the proposed use of loan proceeds in order to determine if loan proceeds will be used for a prohibited activity as defined in subparagraph d of paragraph 3 of this exhibit. If not, the County Supervisor will so document this as specified in paragraph 8 of this exhibit; complete step two immediately below; and, if an insured loan will be approved, notify the applicant in writing, coincident with the transmittal of Form FmHA 1940–1, "Request For Obligation of Funds," and by using Form Letter 1940–G–1, "Notification of The Requirements of Exhibit M of FmHA Instruction 1940–G," that the loan approval instruments will contain compliance requirements affecting the applicant's converted wetland. If loan proceeds will be used for a prohibited activity, the applicant (and lender, in the case of a guaranteed loan) will be advised of the applicant's ineligibility for the FmHA loan being requested. The applicant (and lender, in the case of a guaranteed loan) will be advised of any modifications to the application that could cure the ineligibility. Not growing an agricultural commodity on the converted wetland would cure the ineligibility, but the substitution of non-FmHA funds to grow an agricultural commodity on the converted wetland would not.

(2) Step two. The County Supervisor will review the applicant's sources of loan repayment to determine if they include funds from a USDA financial assistance program(s) subject to wetland conservation restrictions. If so, the County Supervisor will implement the actions in subparagraph e of this paragraph.

c. *Highly erodible land or wetland present.* The County Supervisor will discuss with the applicant (and lender, in the case of a guaranteed loan) and review the intended uses of the FmHA loan proceeds as evidenced in any relevant application materials.

(1) *Proceeds to be used for prohibited activity.* If proceeds would be used for a prohibited activity, the applicant (and lender, in the case of a guaranteed loan) will be advised of its ineligibility for the FmHA loan. The applicant (and lender, in the case of a guaranteed loan) will be informed of any modifications to its application that could cure the ineligibility, including financially feasible eligible loan purposes that could be helpful in implementing a conservation plan or installing a conservation system, should either be an appropriate cure. Substitution of non-FmHA monies to accomplish the prohibited activity would not cure the ineligibility, but actual elimination of the activity from the applicant's farm plan of operation would.

(2) *Proceeds not to be used for a prohibited activity.* If loan proceeds are not planned to be used for a prohibited activity, the County Supervisor will perform the following tasks:

(a) Document the above determination in the applicant's file as specified in paragraph 8 of this exhibit.

(b) If an insured loan will be approved and the requirements of subparagraph c (2)(c) of this paragraph do not apply, notify the applicant in writing, coincident with the transmittal of Form FmHA 1940–1, "Request For Obligation of Funds," and by using Form Letter 1940–G–1, "Notification of The Requirements of Exhibit M of FmHA Instruction 1940–G," that the loan approval instruments will contain compliance requirements affecting the applicant's highly erodible land and/or wetland.

(c) Review the term of the proposed loan and take the following actions, as applicable.

(i) *Loan term exceeds January 1, 1990, but not January 1, 1995.* If the term of the proposed loan expires within this period and the applicant intends to produce an

agricultural commodity on highly erodible land that is exempt from the restrictions of this exhibit until either 1990 or two years after the SCS has completed a soil survey for the borrower's land, whichever is later, the County Supervisor will determine if it is financially feasible for the applicant, prior to loss of the exemption, to actively apply a conservation plan approved by SCS or the appropriate conservation district. See § 12.23 of Subpart A of Part 12 of Subtitle A of Title 7, which is Attachment 1 of this exhibit and is available in any FmHA office, for a definition of actively applying a conservation plan. Prior to loan approval, the applicant, the lender (if a guaranteed loan is involved), FmHA and SCS will resolve any doubts as to what extent production would be able to continue under application of a conservation plan and as to the financial implications on loan payment ability from both the potential costs of actively applying the conservation plan and the potential loss of revenues from any reduced acreage production base. The loan approval official will determine the financial implications of actively applying a conservation plan to the applicant's highly erodible land by developing a projected farm plan of operation or other farm financial projections that reflect adequate repayment on the full scheduled installments for all debt obligations at the time the conservation plan is being actively applied. If in making this determination, loan repayment ability cannot be demonstrated, FmHA will deny the loan application. If loan repayment ability can be demonstrated and an insured loan will be approved, the applicant will be advised in writing, coincident with the transmittal of Form FmHA 1940–1, "Request For Obligation of Funds," and using Form Letter 1940–G–1, "Notification of The Requirements of Exhibit M of FmHA Instruction 1940–G," that the loan approval instruments will contain compliance requirements affecting the applicant's highly erodible land. The applicant will also be advised that a statement from the SCS issued prior to either January 1, 1990, or two years after the SCS has completed a soil survey of the applicant's land (whichever is later) and stating that the applicant is actively applying an approved conservation plan will be considered adequate demonstration of compliance on the highly erodible land affected by

(ii) *Loan term exceeds January 1, 1995.* If the term of the proposed loan would exceed this date and the borrower intends to produce an agricultural commodity on highly erodible land that is exempt from the restrictions of the exhibit up until that date (see subparagraph b (4) of paragraph 11 of this exhibit) the County Supervisor will determine if it is financially feasible for the applicant, after January 1, 1985, to produce an agricultural commodity on the highly erodible land in compliance with a conservation system approved by SCS or the appropriate conservation district. Prior to loan approval, the applicant, the lender (if a guaranteed loan is involved), FmHA and SCS will resolve any doubts as to what extent production would be able to continue under a conservation system and as to the financial implications on loan repayment ability from both the potential costs of the conservation system and the potential loss of revenues from any reduced acreage production base. The loan approval official will determine the financial implications of compliance with a conservation system using the financial projection method(s) indicated in subparagraph c (2)(c)(i) of this paragraph. If loan repayment ability cannot be demonstrated, the application will be denied. If loan repayment ability can be demonstrated and an insured loan will be approved, the applicant will be advised in writing, coincident with the transmittal of Form 1940–1, "Request for Obligation of Funds," and using Form Letter 1940–G–1, "Notification of The Requirements of Exhibit M of FmHA Instruction 1940–G," that the loan approval instruments will contain compliance requirements affecting the applicant's highly erodible land. The applicant will also be advised that a statement from SCS issued prior to January 1, 1995, and stating that the applicant is in compliance with an approved conservation system will be considered adequate demonstration of compliance.

(d) Implement the actions in subparagraph e of this paragraph if the applicant plans to repay a portion of the loan with funds from a USDA financial assistance program subject to wetland or highly erodible land conservation restrictions.

d. *Highly erodible land present that was or is planted in alfalfa.* If the applicant plans to cultivate highly erodible land for the purpose of producing an agricultural commodity and that highly erodible land during each of the 1981 to 1985 crop years was planted in alfalfa in a crop rotation determined by SCS to be adequate for the protection of highly erodible land, the applicant is exempt until June 1, 1988, from the requirement to fully implement an approved conservation system on the highly erodible land. The County Supervisor, following procedures similar to those indicated in subparagraph c (2)(c)(i) of this paragraph, will determine if it is financially feasible for the applicant to apply a conservation system to the highly erodible land prior to the loss of the exemption on June 1, 1988. If loan repayment ability cannot be demonstrated, the application will be denied. If loan repayment ability can be demonstrated and an insured loan will be approved, the applicant will be advised in writing that the loan approval instruments will contain compliance requirements affecting the applicant's highly erodible land. The applicant will also be advised that a statement from SCS issued prior to June 1, 1988 and stating that the applicant is in compliance with an approved conservation system will be considered adequate demonstration of compliance with this requirement.

e. *Highly erodible land, wetland, or converted wetland present and applicant intends to use the USDA financial assistance program(s), including crop insurance, to repay FmHA loan.* The County Supervisor will consult with the applicant (and lender, in the case of a guaranteed loan) and the other USDA agency(s) to determine if the applicant is eligible for the latter's financial assistance. If not eligible, the applicant will have to demonstrate that an alternative source(s) of repayment will be available in order for further processing of the application to proceed.

7. *Required provisions in loan approval documents.*

a. *Insured loans.*

(1) *Promissory Notes.* For all loans to which this exhibit applies, all promissory notes must contain the provision indicated below: (Form FmHA 1940–17, "Promissory Note," has been revised so that the language will no longer be inserted as an addendum, but the following provision must be inserted as an addendum to Form FmHA 440–22, "Promissory Note (Association or Organization)," if the loan is being made to an Indian Tribe or a Tribal Corporation.)

"Addendum for Highly Erodible Land and Wetland Conservation"

Addendum to promissory note dated _____ in the amount of $_____ at an annual interest rate of ____ percent. This agreement supplements and attaches to the above note.

Borrower recognizes that the loan described in this note will be in default should any loan proceeds be used for a purpose that will contribute to excessive erosion of highly erodible land or to the conversion of wetlands to produce an agricultural commodity, as further explained in 7 CFR Part 1940, Subpart G, Exhibit M. If (1) the term of the loan exceeds January 1, 1990, but not January 1, 1995, and (2) Borrower intends to produce an agricultural commodity on highly erodible land that is exempt from the restrictions of Exhibit M until either January 1, 1990 or two years after the U.S. Soil Conservation Service (SCS) has completed a soil survey for the Borrower's land, whichever is later, the Borrower further agrees that, prior to the loss of the exemption from the highly erodible land conservation restrictions found in 7 CFR Part 12, Borrower must demonstrate that Borrower is actively applying on that land which has been determined to be highly erodible a conservation plan approved by the SCS or the appropriate conservation district in accordance with SCS's requirements. Furthermore, if the term of the loan exceeds January 1, 1995, Borrower further agrees that Borrower must demonstrate prior to January 1, 1995, that any production after that date of an agricultural commodity on highly erodible land will be done in compliance with a conservation system approved by SCS or the appropriate conservation district in accordance with SCS's requirements.

_____
(Name of Borrower)

_____
(Signature of Executive Official)

_____
(Signature of Attesting Official)

(2) *Mortgages, deeds of trust and security agreements.* State Directors will consult with the Office of General Counsel and ensure that for all loans to which this exhibit applies a covenant is included in all mortgages, deeds of trust, and security agreements which reads as indicated below. Form FmHA 440–15, "Security Agreement (Insured Loans to Individuals)," and Form FmHA 440–4,

"Security Agreement (Chattels and Crops)," have been revised accordingly. Equivalent forms required in State supplements must be similarly revised.

[For mortgages or deeds of trust:]

"Borrower further agrees that the loan(s) secured by this instrument will be in default should any loan proceeds be used for a purpose that will contribute to excessive erosion of highly erodible land or to the conversion of wetlands to produce an agricultural commodity, as further explained in 7 CFR Part 1940, Subpart G, Exhibit M."

[For security agreements:]

"Default shall also exist if any loan proceeds are used for a purpose that will contribute to excessive erosion of highly erodible land or to the conversion of wetlands to produce an agricultural commodity, as further explained in 7 CFR Part 1940, Subpart G, Exhibit M."

b. *Guaranteed loans.*

(1) *Form FmHA 449–14, "Conditional Commitment for Guarantee," and Form FmHA 1980–15, "Conditional Commitment for Contract of Guarantee (Line of Credit)."* These forms must contain a condition that includes the following provisions:

(a) Informs the lender that FmHA's commitment is conditioned upon loan proceeds not being used for a purpose that will contribute to excessive erosion of highly erodible land or to the conversion of wetlands to produce an agricultural commodity, as explained in this exhibit;

(b) Informs the lender of the lender's monitoring responsibilities under paragraph 10 of this exhibit; and;

(c) Requires the lender, for all borrowers having highly erodible land, wetland, or converted on their farm properties, to include provisions in its loan instruments similar to those contained in subparagraphs a (1) and (2) of this paragraph.

(2) *Lender's loan and security instruments.* These instruments must be modified as specified in subparagraph b(1)(c) of this paragraph.

8. *Required FmHA documentation.* The actions taken and determinations made by FmHA to comply with the provisions of this exhibit will be documented as part of the environmental review of the application. All actions subject to this exhibit will undergo at a minimum the completion of Form FmHA 1940–22, "Environmental Checklist for Categorical Exclusions." On the reverse of this form, the preparer will document as applicable (a) whether or not highly erodible land, wetland, or converted wetland is present, (b) if any exemption(s) applies, (c) the status of the applicant's eligibility for an FmHA loan under this exhibit, and (d) any steps the applicant must take prior to loan approval to retain or regain its eligibility. If the application under review meets the definition of a Class I action as defined in § 1940.311 of this subpart, the above documentation will be included as an exhibit to Form FmHA 1940–21, "Environmental Assessment for Class I Action." If the application meets the definition of a Class II action as defined in § 1940.312 of this subpart, the required documentation will be included within the Class II assessment under the discussion of land use impacts. See paragraph IV.4. of Exhibit H of this subpart. Once an applicant's farm property has undergone an environmental review covering the provisions of this exhibit, the County Supervisor reviewing a subsequent loan request need not require the applicant to obtain further site information from SCS as long as there is no change in the farm property to be affected or any applicable exemptions.

9. *Borrowers' responsibilities.* In addition to complying with any loan requirements resulting from FmHA's implementation of this exhibit, a borrower must within ten days of receipt inform, in writing, the lender of a guaranteed loan and the County Supervisor for an insured loan of any ineligibility determinations received from other USDA agencies for violations of wetland or highly erodible land conservation restrictions. A borrower also has the responsibility to consult with the lender or County Supervisor, as applicable, if at any time the borrower is uncertain as to the borrower's duties and responsibility under the loan provisions.

10. *FmHA and lender monitoring.* As an element of insured loan servicing, to include development of a farm plan of operation for an upcoming crop year, scheduled farm visits, or other contracts with borrowers, FmHA staff will review and analyze the borrower's compliance with the provisions of this exhibit and any related loan requirements. If at anytime FmHA becomes aware of the borrower's violation of these provisions or related loan requirements, the borrower will be informed that the affected loan(s) is in default. In addition to directly monitoring borrowers, the County Supervisor will receive and review the monitoring results of other USDA agencies having restrictions on wetland and highly erodible land conservation. Whenever these results indicate that a borrower may have violated the loan conditions, the County Supervisor will further analyze the matter and respond, as indicated in this paragraph, should a violation be determined. Lenders of FmHA guaranteed loans must also monitor compliance as part of their servicing responsibilities.

11. *Exemptions and determining their applicability.* Following is a list of exemptions from the provisions of this exhibit as well a description of how FmHA will apply the exemptions to a proposed loan or activity under a loan. This list is intended to provide guidance on implementing the exemptions contained in Subparts A, B, and C of Part 12 of Subtitle A of Title 7 (Attachment 1 of this exhibit which is available in any FmHA office) and does not modify or limit any of those exemptions.

a. *Exemption from wetland and highly erodible land conservation.* Any loan which was closed prior to December 23, 1985, or any loan for which either Form FmHA 1940–1, "Request for Obligation of Funds," Form FmHA 449–14, "Conditional Commitment for Guarantee," or Form FmHA 1980–15, "Conditional Commitment for Contract of Guarantee (Line of Credit)," was executed prior to December 23, 1985, is exempt from the provisions of this exhibit.

b. *Exemptions from highly erodible land conservation.* The following exemptions exist from the restrictions on highly erodible land conservation. Whenever the County Supervisor is required to consult with another USDA agency in applying these exemptions, the County Supervisor's review of a properly completed Form SCS–CPA–26 will be considered adequate consultation if the needed information is presented on the form and no questions are raised by the FmHA review.

(1) Any land upon which an agricultural commodity was planted before December 23, 1985, is exempt for that particular planting. The County Supervisor will consult with the appropriate local ASCS office in applying this exemption and the ASCS determination is controlling for purposes of this exhibit.

(2) Any land planted with an agricultural commodity during a crop year beginning before December 23, 1985, is exempt for that particular planting. FmHA will consult with the ASCS State Executive Director and the latter's position will be controlling in determining the date that the crop year began.

(3) Any land that during any one of the crop years of 1981 through 1985 was either (a) cultivated to produce an agricultural commodity, or (b) set aside, diverted or otherwise not cropped under a program administered by USDA to reduce production of an agricultural commodity, is exempt until the later of January 1, 1990, or the date that is two years after the date that the SCS has completed a soil survey of the land. To apply this exemption, the County Supervisor will consult with ASCS to determine from the latter's records whether or not the land was cultivated or set aside during the required period. The ASCS determination will be controlling. However, the date of completion for any SCS soil survey will be determined by SCS and used by the County Supervisor.

(4) Beginning on January 1, 1990, or two years after SCS has completed a soil survey for the land, whichever is later, and extending to January 1, 1995, any land that qualified for the exemption in subparagraph b (3) of this paragraph is further exempt if a person is actively applying to it a conservation plan that is based on the local SCS technical guide and properly approved by the appropriate SCS conservation district or the SCS. To apply this exemption as well as the exemptions specified in subparagraphs b (5), (6), (7), and (8) of this paragraph, the County Supervisor will consult with the appropriate local SCS office and the SCS position will be controlling.

(5) Highly erodible land within a conservation district and under a conservation system that has been approved by a conservation district after the district has determined that the conservation system is in conformity with technical standards set forth in the SCS technical guide for such district is exempt.

(6) Highly erodible land not within a conservation district but under a conservation system determined by SCS to be adequate for the production of a specific agricultural commodity or commodities on any highly erodible land is exempt for the production of that commodity or commodities.

(7) Highly erodible land that is planted in reliance on a SCS determination that such land was not highly erodible is exempt. The exemption is lost, however, for any agricultural commodity planted after SCS determines that such land is highly erodible land.

(8) Highly erodible land planted or to be planted in an agricultural commodity that was planted in alfalfa during each of the 1981 and 1985 crop years in a crop rotation determined by SCS to be adequate for the protection of highly erodible land is exempt until June 1, 1988, from the requirement that the highly erodible land be planted in compliance with an approved conservation system.

c. *Exemptions from wetland conservation.* The following exemptions exist from the restrictions on wetland conservation. Whenever the County Supervisor is required to consult with another USDA agency in applying these exemptions, the County Supervisor's review of a properly completed Form SCS-CPA-26 will be considered adequate consultation if the needed information is presented on the form and no questions are raised by the FmHA review.

(1) A converted wetland is exempt if the conversion of such wetland was completed or commenced before December 23, 1985. The County Supervisor will consult with ASCS whose determination as to when conversion of a wetland commenced will be final for FmHA purposes. Additionally, the County Supervisor will request evidence of ASCS's consultation with the U.S. Fish and Wildlife Service on each commenced determination reached for an FmHA applicant or borrower. SCS will determine if a wetland is a converted wetland using the criteria contained in § 12.32 of Subpart C of Part 12 of Subtitle A of Title 7 (Attachment 1 of this exhibit which is available in any FmHA office). Under these criteria, however, a converted wetland determined to be exempt may not always remain exempt. The criteria include the provision that if crop production is abandoned on a converted wetland and the land again meets the wetland criteria, that land has reverted to a wetland and is no longer exempt. For purposes of FmHA inventory farm properties, crop production will be considered to have been abandoned on a converted wetland either at the earlier of the time the former owner so abandoned crop production or at the time FmHA caused crop production to be abandoned after the property came into FmHA's inventory. While in its inventory FmHA will not lease the converted wetland for the purpose of producing an agricultural commodity. Whether or not the wetland criteria are met on the abandoned land will be determined by SCS immediately before FmHA's lease or sale of the property.

(2) The following are not considered to be a wetland under the provisions of this exhibit: (a) An artificial lake, pond, or wetland created by excavating or diking non-wetland to collect and retain water for purposes such as water for livestock, fish production, irrigation (including subsurface irrigation), a settling basin, colling, rice production, or flood control; (b) a wet area created by a water delivery system, irrigation, irrigation system, or application of water for irrigation and (c) lands in Alaska identified by SCS as having a predominance of permafrost soils. The County Supervisor will consult with SCS regarding the application of this exemption as well as the remaining exemptions in this paragraph and the SCS position will be controlling.

(3) A wetland is exempt if the production of an agricultural commodity is possible (a) as a result of a natural condition, such as drought, and (b) without action by the producer that destroys a natural wetland characteristic. This exemption is lost whenever condition (a) or (b) no longer exists.

(4) Production of an agricultural commodity on a converted wetland is exempt is SCS determines that the effect of such action, individually and in connection with all other similar actions authorized in the area by USDA agencies, on the hydrological and biological aspect of wetland is minimal.

12. *Appeals.* Any applicant or borrower that is directly and adversely affected by an administrative decision made by FmHA under this exhibit may appeal that decision under the provisions of Subpart B of Part 1900 of this chapter (see especially § 1900.55).

13. *Working with other USDA agencies.*

a. *Coordination.* FmHA State Directors will consult with SCS State Conservationists and ASCS State Executive Directors to assess and coordinate loan processing workloads in order to minimize delays in responding to FmHA requests for site information or for the application of the exemptions contained in paragraph 11 of this exhibit. State Directors will ensure that FmHA field staff understand and can use the ASCS farm records system and will request ASCS training as needed. Also, management systems for sharing the information discussed in subparagraph b of this paragraph will be established.

b. *Information exchange.* FmHA State Directors will develop with ASCS State Executive Directors a system for FmHA to routinely receive notification whenever a violation has occurred under ASCS's wetland and highly erodible land conservation restrictions. FmHA State Directors will in turn provide to any interested USDA agency the following information.

(1) Upon request, copies of site information or exemption decision made by SCS for FmHA application reviews;

(2) Upon request, copies of exemption decisions made by FmHA; and

(3) Notice of any violations of the provisions of this exhibit identified by FmHA as a result of the monitoring activities identified in paragraph 10 of this exhibit.

14. *Relationship of the requirements of this exhibit to the wetland protection requirements of Exhibit C of this subpart.* The provisions of this exhibit determine (a) whether or not an applicant for a Farmer Program insured or guaranteed loan or a loan to an Indian Tribe or Tribal Corporation is eligible to be considered for such a loan, and (b) whether or not a recipient of such a loan is properly using the loan proceeds with respect to the requirements of this exhibit. On the other hand, the requirements in Exhibit C of this subpart regarding wetland protection cover all FmHA loan and grant programs and address not questions of eligibility but the potential environmental impacts of a proposed action on a wetland and alternatives to the action. Consequently, those applications covered by this exhibit and which may be approved under this exhibit must also meet the requirements of Exhibit C of this subpart. For example, an application covered by this exhibit (M) that proposed to convert a wetland into a tree farm would be exempt from this exhibit (M) because trees are not an agricultural commodity, i.e., there is no conversion in order to produce an agricultural commodity. However, before FmHA could make the loan, the requirements of Exhibit C of this subpart would have to be met to include an FmHA finding that no practicable alternative exists to the conversion of the wetland. In summary, any proposed wetland conversion that is not prohibited by this exhibit (M) must next meet the requirements of Exhibit C of this subpart before FmHA approval of the requested financial assistance could be provided.

PART 1951—SERVICING AND COLLECTIONS

9. The authority citation for Part 1951 continues to read as follows:

Authority: 7 U.S.C. 1989; 42 U.S.C. 1480, 5 U.S.C. 301; 7 CFR 2.23; 7 CFR 2.70.

Subpart E—Servicing of Community Program Loans and Grants.

10. Section 1951.207 is amended by adding a new paragraph (e)(1)(xii) to read as follows:

§ 1951.207 General Servicing actions.

* * * * *

(e) * * *

(1) * * *

(xii) For Indian Tribes and Tribal Corporations, the loan funds will not be used for any purpose that will contribute to excessive erosion of highly erodible land or to the conversion of wetlands to produce an agricultural commodity as further explained in Exhibit M of Subpart G of Part 1940 of this chapter. This requirement will be monitored throughout the term of the loan.

* * * * *

11. Section 1951.210 is amended by adding a new paragraph (a)(8) to read as follows:

§ 1951.210 Transfer of security and assumption of loans.

(a) * * *

(8) For Indian Tribes and Tribal Corporations, the requirements found in Exhibit M of Subpart G of Part 1940 of this chapter are met.

* * * * *

PART 1955—PROPERTY MANAGEMENT

12. The authority citation for Part 1955 continues to read as follows:

Authority: 7 U.S.C. 1989; 42 U.S.C. 1480; 5 U.S.C. 301; 7 CFR 2.23; 7 CFR 2.70.

Subpart B—Management of Property

13. Section 1955.66 is amended by revising paragraph (a)(2)(iii) to read as follows:

§ 1955.66 Lease of real property.

(a) * * *

(2) * * *

(iii) *Farm property.* Any CONACT property with a dwelling (whether located on or off the farm) that is possessed and occupied as a principal residence by one who was personally liable for a Farmer Program loan must be considered for dwelling retention under § 1955.73 of this subpart prior to lease under this section. The County Supervisor may approve the lease of farm property. When a lease with an option to purchase is signed, the lessee should be told that FmHA cannot make a commitment to finance the purchase of the property in the future. Except for leases with an option to purchase, special stipulations will be made a part of farm leases to provide that the Government may terminate the lease in order to sell the farm, but in that event the lessee will retain the right to harvest growing crops and rental payment will be prorated between the Government and the purchaser of the property. The County Supervisor shall report all leases of farms to the local Agricultural Stabilization and Conservation Service (ASCS) office and all subsequent changes in leases or sale of the property. Leases for mineral exploration and/or development will be on a form approved by OGC. In approval of a lease for mineral purposes, consideration will be given to impact on the environment, preservation of land for agricultural purposes as required by Subpart G of Part 1940 of this chapter, as well as effect on sale of the property.

(A) The Administrator may issue directives (available in any affected FmHA office) restricting the leasing of property which could be used to produce agricultural products determined to be in surplus supply. Chattel property will not normally be leased unless it is attached to the real estate as a fixture or would normally pass with the land.

(B) The property may not be used for any purpose that will contribute to excessive erosion of highly erodible land or to the conversion of wetlands to produce an agricultural commodity, as further explained in Exhibit M to Subpart G of Part 1940 of this chapter. All prospective lessees will be notified in writing of the presence of highly erodible land, converted wetlands and wetlands on inventory property. This notification will enclose a copy of Form SCS–CPA–26, "Highly Erodible Land and Wetland Conservation Determination," which identifies whether the property contains wetland or converted wetland or highly erodible land. The notification will also state that the lease will contain a restriction on the use of such property and that FmHA's compliance requirements for wetlands, converted wetlands, and highly erodible land are contained in Exhibit M to FmHA Instruction 1940–G (which is available in any FmHA office and which is the same as Exhibit M to Subpart G of Part 1940 of this chapter). If converted wetlands are present, the notification will also state that FmHA will not lease converted wetlands for the purpose of producing an agricultural commodity. Additionally, a copy of Form SCS–CPA–26 will be attached to the lease and the lease will contain a special stipulation as provided on the FMI to Form FmHA 1955–20, "Lease of Real Property," prohibiting the use of the property as specified above.

* * * * *

Subpart C—Disposal of Inventory Property

14. Section 1955.106 is amended by adding paragraph (e)(7) to read as follows:

§ 1955.106 Sale of suitable property (CONACT).

* * * * *

(e) * * *

(7) Property sold on credit sale may not be used for any purpose that will contribute to excessive erosion of highly erodible land or to the conversion of wetlands to produce an agricultural commodity, as further explained in Exhibit M to Subpart G of Part 1940 of this chapter. Additionally, all prospective buyers will be notified in writing as a part of the property advertisement of the presence of highly erodible land and wetlands on inventory property.

15. Section 1955.107 is amended by revising the introductory paragraph to read as follows:

§ 1955.107 Sale of surplus property (CONACT).

Except where a lessee is exercising the option to purchase under § 1955.73 of Subpart B of this part, concerning dwelling retention, surplus property will be offered for public sale by sealed bid or auction in accordance with § 1955.147 or § 1955.148 of this subpart as soon as possible after it has been declared surplus and made available for sale. Suitable property which has been in inventory for 3 years must be offered for sale as surplus; however, if the buyer is eligible for FmHA assistance, any surplus property which is actually suitable will be reclassified to suitable by the authorized official and sold on eligible terms. The basis for this redetermination must be documented in the running record. On a credit sale the property may not be used for any purpose that will contribute to excessive erosion of highly erodible land or to the conversion of wetlands to produce an agricultural commodity, as further explained in Exhibit M of Subpart G of Part 1940 of this chapter. Additionally, all prospective buyers will be notified in writing as a part of the property advertisement of the presence of highly erodible land, converted wetlands and wetlands on inventory property.

* * * * *

PART 1962—PERSONAL PROPERTY

16. The authority citation for Part 1962 continues to read as follows:

Authority: 7 U.S.C. 1989; 5 U.S.C. 301; 7 CFR 2.23; 7 CFR 2.70.

Subpart A—Servicing and Liquidation of Chattel Security

17. Section 1962.30 is amended by adding a new paragraph (b)(8) to read as follows:

§ 1962.30 Subordination and waiver of FmHA liens on chattel security.

* * * * *

(b) * * *

(8) The loan funds will not be used for any purpose that will contribute to excessive erosion of highly erodible land or to the conversion of wetlands to produce an agricultural commodity as further explained in Exhibit M to Subpart G of Part 1940 of this chapter. This requirement will be monitored throughout the term of the loan.

* * * * *

18. Section 1962.34 is amended by adding paragraphs (a)(4) and (b)(5) to read as follows:

§ 1962.34 Transfer of chattel security and EO property and assumption of debts.

* * * * *

(a) * * *

(4) The requirements found in Exhibit M to Subpart G of Part 1940 of this chapter are met.

(b) * * *

(5) The requirements found in Exhibit M to Subpart G of Part 1940 of this chapter are met.

* * * * *

PART 1965—REAL PROPERTY

19. The authority citation for Part 1965 continues to read as follows:

Authority: 7 U.S.C. 1989; 42 U.S.C. 1480; 5 U.S.C. 301; 7 CFR 2.23; 7 CFR 2.70.

Subpart A—Servicing of Real Estate Security for Farmer Program Loans and Certain Note—Only Cases

20. Section 1965.12 is amended by adding paragraph (a)(9) to read as follows:

§ 1965.12 Subordination of FmHA mortgages to permit refinancing, extension, increase in amount of existing prior lien, to permit a new prior lien, or to permit reamortization.

* * * * *

(a) * * *

(9) The funds obtained will not be used for any purpose that will contribute to excessive erosion of highly erodible land or to the conversion of wetlands to produce an agricultural commodity as further explained in Exhibit M to Subpart G of Part 1940 of this chapter. This requirement will be monitored throughout the term of the loan.

* * * * *

21. Section 1965.27 is amended by revising paragraph (b)(20) to read as follows:

§ 1965.27 Transfer of real estate security.

* * * * *

(b) * * *

(20) *Environmental requirements.* Applicable provisions of Subpart G of Part 1940 of this chapter are met, as well as those requirements found in Exhibit M to Subpart G of Part 1940.

* * * * *

PART 1980—GENERAL

22. The authority citation for Part 1980 continues to read as follows:

Authority: 7 U.S.C. 1989; 42 U.S.C. 301; 7 CFR 2.23; 7 CFR 2.70.

Subpart A—General

Appendix B to Subpart A—[Amended]

23. Appendix B to Subpart A is amended by adding a new paragraph IX C 12 to read as follows:

Lender's Agreement

* * * * *

IX * * *

C. * * *

12. Monitoring the use of loan funds to assure they will not be used for any purpose that will contribute to excessive erosion of highly erodible land or to the conversion of wetlands to produce an agricultural commodity, as further explained in 7 CFR Part 1940, Subpart G, Exhibit M.

* * * * *

Appendix E to Subpart A—[Amended]

24. Appendix E to Subpart A is amended by adding a new paragraph IX C 12 to read as follows:

Lender's Agreement

* * * * *

IX * * *

C. * * *

12. Monitoring the use of loan funds to assure they will not be used for any purpose that will contribute to excessvie erosion of highly erodible land or to the conversion of wetlands to produce an agricultural commodity as further explained in 7 CFR Part 1940, Subpart G, Exhibit M.

* * * * *

Subpart B—Farmer Program Loans

25. Section 1980.113 is amended by adding paragraph (d)(12) to read as follows:

§ 1980.113 Receiving and processing applications.

* * * * *

(d) * * *

(12) Applicable items required in Exhibit M of Subpart G of Part 1940 of this chapter, including Form SCS-CPA-26, "Highly Erodible Land and Wetland Conservation Determination," and Form AD-1026, "Highly Erodible Land and Wetland Conservation Certification."

* * * * *

Exhibit A to Subpart B—[Amended]

26. Exhibit A to Subpart B, Attachment 1—FARMERS HOME ADMINISTRATION APPROVED LENDER PROGRAM (ALP) is amended by adding a new paragraph VII C 12 to read as follows:

Lender's Agreement (Loan Note Guarantees Only) for Guaranteed Operating Loans (OL) and Guaranteed Farm Ownership Loans (FO)

* * * * *

VII * * *

C * * *

12. Monitoring the use of loan funds to assure they will not be used for any purpose that will contribute to excessive erosion of highly erodible land or to the conversion of wetlands to produce an agricultural commodity, as further explained in 7 CFR Part 1940, Subpart G, Exhibit M.

* * * * *

27. Exhibit A of Subpart B, Attachment 2—FARMERS HOME ADMINISTRATION, APPROVED LENDER PROGRAM (ALP) is amended by adding a new paragraph VII C 12 to read as follows:

Lender's Agreement for Operating Line of Credit Guarantee (Contract of Guarantee Cases)

* * * * *

VII * * *

C * * *

12. Monitoring the use of loan funds to assure they will not be used for any purpose that will contribute to excessive erosion of highly erodible land or the conversion of wetlands to produce an agricultural commodity, as further explained in 7 CFR Part 1940, Subpart G, Exhibit M.

* * * * *

Signed at Washington, DC, on November 25, 1987.

Roland R. Vautour,

Under Secretary for Small Community and Rural Development.

[FR Doc. 88-4856 Filed 3-7-88; 8:45 am]

BILLING CODE 3410-07-M

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 310

Privacy Act Regulations

AGENCY: Federal Deposit Insurance Corporation ("FDIC").

ACTION: Final rule.

SUMMARY: The FDIC is amending the title of a Privacy Act system of records listed as exempt by regulation from certain provisions of the Privacy Act in order to reflect a name change made to the system as amended.

DATE: Effective May 23, 1988, unless a superseding notice to the contrary is published before that date.

FOR FURTHER INFORMATION CONTACT: Robert E. Feldman, Assistant Executive Secretary, FDIC, 550 17th Street NW., Washington, DC 20429, telephone (202) 898-3811.

SUPPLEMENTARY INFORMATION: Section 310.13(a) of the FDIC's regulations (12 CFR 310.13(a)) currently lists a Privacy Act system of records entitled "Bank and proposed bank irregularity records system" (FDIC 30-64-0002) as a system exempt from certain provisions of the Privacy Act. As part of its continuing review of its Privacy Act systems of records, the FDIC is elsewhere in today's issue of the **Federal Register** amending the system, including its name. To accommodate the change in the name of the system, the FDIC hereby amends 12 CFR 310.13(a) as described below.

Because the amendment is simply a "housekeeping" matter, it is being published in final form without opportunity for public comment under

authority of section 553(b)(A) of the Administrative Procedure Act, which exempts from required publication for comment interpretive rules, general statements of policy, and rules of agency practice and procedure. As these amendments neither alter any existing nor create any new recordkeeping or reporting requirements, the Paperwork Reduction Act is inapplicable. Finally, the requirements of the Regulatory Flexibility Act are inapplicable as the amendments are not subject to required public comment under the Administrative Procedure Act.

List of Subjects in 12 CFR Part 310

Privacy.

For the foregoing reason, 12 CFR Part 310 is amended to read as follows:

1. The authority citation for Part 310 continues to read as follows:

Authority: 5 U.S.C. 552a.

§ 310.13 [Amended]

2. Paragraph (a) of § 310.13 is amended by removing the words "Bank and proposed bank irregularity records system" and adding, in their place, the words "Financial institutions investigative and enforcement records system."

By order of the Board of Directors.

Dated at Washington, DC, this 1st day of March 1988.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 88-4979 Filed 3-7-88; 8:45 am]

BILLING CODE 6714-01-M

FARM CREDIT ADMINISTRATION

12 CFR Parts 620 and 621

Disclosure to Shareholders; Accounting and Reporting Requirements; Effective Date

AGENCY: Farm Credit Administration.

ACTION: Notice of effective date.

SUMMARY: The Farm Credit Administration published final amended regulations under Parts 620 and 621 on February 5, 1988 (53 FR 3335). The final amendments to Part 620 relate to disclosure of the condition or classification of loans to senior officers and directors and their immediate families and affiliated organizations and the final amendment to Part 621 deletes references to FCA examining classifications. In accordance with 12 U.S.C. 2252, the effective date of the final rule is 30 days from the date of publication in the Federal Register during which either or both Houses of Congress are in session. Based on the records of the sessions of Congress, the effective date of the regulations is March 8, 1988.

EFFECTIVE DATE: March 8, 1988.

FOR FURTHER INFORMATION CONTACT:

Dorothy J. Acosta, Senior Attorney, Office of General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, (703) 883-4020, TDD (703) 883-4444.

or

James Thies, Assistant Chief, Financial Analysis and Standards Division, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, (703) 883-4483, TDD (703) 883-4444.

(12 U.S.C. 2252(a) (9) and (10))

Dated: March 3, 1988.

David A. Hill,

Secretary, Farm Credit Administration Board.

[FR Doc. 88-5054 Filed 3-7-88; 8:45 am]

BILLING CODE 6705-01-M

FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL

12 CFR Part 1101

Description of Office, Procedures, and Public Information

AGENCY: Federal Financial Institutions Examination Council (Council).

ACTION: Final rule.

SUMMARY: The Council has adopted a final rule implementing recent amendments to the Freedom of Information Act (FOIA). The amendments to FOIA and this final rule concern Exemption 7 (law enforcement records) and the provisions of FOIA relating to fees and fee waivers.

EFFECTIVE DATE: March 8, 1988.

ADDRESS: Federal Financial Institutions Examination Council, 1776 G Street, Suite 701, Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT:

Robert M. Fenner, General Counsel, National Credit Union Administration, 1776 G Street, NW., Washington, DC 20456, telephone: (202) 357-1030.

SUPPLEMENTARY INFORMATION: Recent amendments to the FOIA modified Exemption 7 (relating to disclosure of law enforcement records) and the provisions concerning charging and waiving of fees. The amendments required that agency regulations contain a fee schedule that conforms to guidelines issued by the Office of Management and Budget (OMB). OMB issued final guidelines on March 27, 1987. (See 52 FR 10012, March 27, 1987). On August 6, 1987, the Council issued proposed rules implementing these amendments and updating its address. (*See* 52 FR 29865, August 12, 1987.)

The Council received only one comment letter on its proposed rules. The comment letter, submitted by an association of reporters, raised three issues discussed below.

The first issue concerns the definition of "representative of the news media" found in § 1101.4(b)(5)(i)(H) of the rules. (Representatives of the news media are to be charged only for duplication costs under the amended FOIA.) The definition, taken from OMB's guidelines, is:

> any person gathering news for an entity that is organized and operated to publish or broadcast news to the public. The term "news" means information that is about current events or that would be of current interest to the public.

The commenter suggested that either (1) the definition be deleted; (2) the word "news" in the first phrase be changed to "information"; or (3) the second sentence defining news be deleted. The commenter reasons that Council personnel should not be determining what is or is not newsworthy and that the term "representative of the news media" is self-explanatory. The Council has determined not to change the definition. Since the Council, pursuant to the FOIA amendments, must establish a FOIA fee schedule in conformance with OMB guidelines, it has adopted OMB's definition. The Council believes that adoption of the definition is in conformance with the FOIA amendments and that Council personnel will be able to determine who are representatives of the news media using the definition.

The second issue concerns Department of Justice (DOJ) guidelines with respect to FOIA fee waivers and reductions. As noted in the proposed rule, (§ 1101.4(b)(5)(ii)(H) concerns waiving and reducing fees and is based upon guidelines issued by the Department of Justice. The commenter expressed concern that the Council's regulation does not set forth the fact that when a requester is a "representative of the news media" that status will be taken into account in determining the public understanding criteria of the fee waiver or reduction test. The fact that a requester is a "representative of the news media" is a logical consideration in determining whether waiver or reduction of fees will further the public understanding of the operations or activities of the government. It is neither necessary nor practical, however, to set

forth all such considerations in the regulation. The commenter states further that, in promulgating the FOIA amendments, Congress intended to exclude the Department of Justice guidance on fee waivers. The FOIA refers to Department of Justice efforts to encourage agency compliance with the FOIA. (*See* 5 U.S.C. 552(e).) It has provided the fee waiver guidance in this capacity.

Lastly, the commenter was concerned with the requirement in the rule for advance payment of FOIA fees. The commenter noted that advance payment will be required of all requesters who do not have previous payment records for FOIA requests. The proposed and final rules require advance payment of requesters with no history of payment however, *only* if the estimated bill exceeds $250. (*See* § 1101.4(b)(5)(vii).) The FOIA amendments specifically allow for advance payment under these circumstances. In addition, Council has rarely, if ever, received a FOIA request where the estimated cost exceeds $250. The Council believes the advance payment requirement is in compliance with the FOIA amendments and is not unduly burdensome.

Regulatory Procedures

Regulatory Flexibility Act

The Council has determined and certifies that the final rule will not have a significant economic impact on a substantial number of small entities. The regulations do not place burdens on requesters of information under the FOIA. Accordingly, the Council has determined that a Regulatory Flexibility Analysis is not required.

Paperwork Reduction Act

The commenter stated that the provisions on fee waiver or reduction (§ 1101.4(b)(5)(ii)(H)) may cause requesters to submit information to the Council that would invoke clearance from OMB under the Paperwork Reduction Act. The Paperwork Reduction Act and its implementing regulation define collections of information in part to mean information collected from ten or more persons. (*See* 5 CFR 1320.7(c).) The Council has never received ten requests for fee waivers in one year. Further, submission of FOIA requests and any attendant requests for fee waivers or reductions are entirely voluntary. They simply facilitate the provision of information and determination of fees under the FOIA. Accordingly, FOIA requests would not be subject to the Paperwork Reduction Act.

List of Subjects in 12 CFR Part 1101

FOIA exemptions, Criminal investigations, Schedule of fees, Waivers or reductions of fees.

By the Federal Financial Institutions Examination Council on March 1, 1988.
March 3, 1988.

Robert J. Lawrence,

Executive Secretary, Federal Financial Institutions Examination Council.

Accordingly, the Council amends its regulations as follows:

PART 1101—[AMENDED]

1. The authority citation for Part 1101 is revised to read as follows:

Authority: 5 U.S.C. 552; 12 U.S.C. 3307.

2. Section 1101.3(e) is revised to read:

§ 1101.3 [Amended]

* * * * *

(e) *Council address.* Council offices are located at 1776 G Street, NW., Suite 701, Washington, DC 20006.

3. Section 1101.4(b)(1)(vii) is revised to read:

§ 1101.4 [Amended]

* * * * *

(b) * * *

(1) * * *

(vii) Records or information compiled for law enforcement purposes, including records relating to a proceeding by a financial institution's regulatory agency for the issuance of a cease-and-desist order, or order of suspension or removal, or assessment of a civil money penalty and the granting, withholding, or revocation of any approval, permission, or authority, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings; (B) would deprive a person of a right to a fair trial or an impartial adjudication; (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy; (D) could reasonably be expected to disclose the identity of a confidential source, including a state, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of a record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source; (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law; or (F) could reasonably be expected to endanger the life or physical safety of any individual.

4. Section 1101.4(b)(5) is amended to read:

§ 1101.4 [Amended]

* * * * *

(b) * * *

(5) *Fees for document search, review, and duplication; waiver and reduction of fees*—(i) *Definitions*—(A) *Direct costs* means those expenditures which the Council actually incurs in searching for, duplicating, and reviewing documents to respond to a FOIA request.

(B) *Search* means all time spent looking for material that is responsive to a request, including page-by-page or line-by-line identification of material within documents. Searches may be done manually or by computer using existing programming.

(C) *Duplication* means the process of making a copy of a document necessary to respond to a FOIA request.

(D) *Review* means the process of examining documents located in response to a request that is for a commercial use (*see* § 1101.4(b)(5)(i)(E)) to determine whether any portion of any document located is permitted to be withheld and processing such documents for disclosure.

(E) *Commercial use request* means a request from or on behalf of one who seeks information for a use or purpose that furthers the commercial, trade, or profit interests of the requester or the person on whose behalf the request is made.

(F) *Educational institution* means a preschool, an elementary or secondary school, an institution of undergraduate higher education, an institution of graduate higher education, an institution of professional education, and an institution of vocational education, which operates a program or programs of scholarly research.

(G) *Noncommercial scientific institution* means an institution that is not operated on a "commercial" basis as that term is referenced in § 1101.4(b)(i)(E), and which is operated solely for the purposes of conducting scientific research, the results of which are not intended to promote any particular product or industry.

(H) *Representative of the news media* means any person actively gathering news for an entity that is organized and operated to publish or broadcast news to the public. The term "news" means information that is about current events

or that would be of current interest to the public.

(ii) *Fees to be charged.* The Council will charge fees that recoup the full allowable direct costs it incurs. The Council may contract with the private sector to locate, reproduce, and/or disseminate records. Provided, however, that the Council has ensured that the ultimate cost to the requester is no greater than it would be if the Council performed these tasks. Fees are subject to change as costs change. In no case will the Council contract out responsibilities which the FOIA provides that it alone may discharge, such as determining the applicability of an exemption, or determining whether to waive or reduce fees.

(A) *Manual searches and review.* The Council will charge fees at the following rates for manual searches for and review of records:

(*1*) If search/review is done by clerical staff, the hourly rate for GS–7, step 5, plus 16 percent of the rate to cover benefits;

(*2*) If search/review is done by professional staff, the hourly rate for GS–13, step 5, plus 16 percent of the rate to cover benefits.

(B) *Computer searches.* The Council will charge fees at the hourly rate for GS–13, step 5, plus 16 percent of the rate to cover benefits, plus the hourly cost of operating the computer for computer searches for records.

(C) *Duplication of records.* (*1*) The per-page fee for paper copy reproduction of a document is $.25;

(*2*) The fee for documents generated by computer is the hourly rate for the computer operator (at GS 7, step 5, plus 16 percent for benefits if clerical staff, and GS 13, step 5, plus 16 percent for benefits if professional staff) plus the cost of materials (computer paper, tapes, labels, etc.).

(*3*) If any other method of duplication is used, the Council will charge the actual direct cost of duplicating the documents.

(D) If search, duplication and/or review is provided by personnel of member agencies of the Council, fees will reflect their actual hourly rates, plus 16 percent for benefits.

(E) *Fees to exceed $25.* If the Council estimates that duplication and/or search fees are likely to exceed $25, it will notify the requester of the estimated amount of fees, unless the requester has indicated in advance his/her willingness to pay fees as high as those anticipated. In the case of such notification by the Council, the requester will then have the opportunity to confer with Council personnel with the object of reformulating the request to meet his/her needs at a lower cost.

(F) *Other services.* Complying with requests for special services is entirely at the discretion of the Council. The Council will recover the full costs of providing such services to the extent it elects to provide them.

(G) *Restriction on assessing fees.* The Council will not charge fees to any requester, including commercial use requesters, if the cost of collecting a fee would be equal to or greater than the fee itself.

(H) *Waiving or reducing fees.* The Council shall waive or reduce fees under this section whenever disclosure of information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.

(*1*) The Council will make a determination of whether the public interest requirement above is met based on the following factors:

(*i*) The subject of the request: Whether the subject of the requested records concerns the operations or activities of the government;

(*ii*) The informative value of the information to be disclosed: Whether the disclosure is likely to contribute to an understanding of government operations or activities;

(*iii*) The contribution to an understanding of the subject by the general public likely to result from disclosure: Whether disclosure of the requested information will contribute to public understanding;

(*iv*) The significance of the contribution to the public understanding: Whether the disclosure is likely to contribute significantly to public understanding of government operations or activities.

(*2*) If the public interest requirement is met, the Council will make a determination on the commercial interest requirement based upon the following factors:

(*i*) The existence and magnitude of a commercial interest: Whether the requester has a commercial interest that would be furthered by the requested disclosure; and if so

(*ii*) The primary interest in disclosure: Whether the magnitude of the identified commercial interest of the requester is sufficiently large in comparison with the public interest in disclosure; that disclosure is primarily in the commercial interest of the requester.

(*3*) If the required public interest exists and the requester's commercial interest is not primary in comparison to it, the Council will waive or reduce fees.

(iii) *Categories of requesters.* (A) Commercial use requesters. The Council will assess fees for commercial use requesters which recover the full direct costs of searching for, reviewing for release, the duplicating the records sought. Commercial use requesters are not entitled to two hours of free search time nor 100 free pages of reproduction of documents.

(B) Requesters who are representatives of the news media, educational and noncommercial scientific institution requesters. The Council shall provide documents to requesters in these categories for the cost of reproduction alone, excluding fees for the first 100 pages.

(C) All other requesters. The Council shall charge requesters who do not fit into any of the categories above fees which recover the full reasonable direct cost of searching for and reproducing records that are responsive to the request, except that the first 100 pages of reproduction and the first two hours of search time shall be furnished without a fee.

(D) All requesters must specifically describe records sought.

(iv) *Interest on unpaid fees.* The Council may begin assessing interest charges on an unpaid bill starting on the 31st day following the day on which the bill was sent. Interest will be at the rate prescribed in section 3717 of Title 31 U.S.C. and will accrue from the date of the billing.

(v) *Fees for unsuccessful search and review.* The Council may assess fees for time spent searching and reviewing, even if it fails to locate the records or if records located are determined to be exempt from disclosure.

(vi) *Aggregating requests.* A requester(s) may not file multiple requests each seeking portions of a document or documents, solely in order to avoid payment of fees. If this is done, the Council may aggregate any such requests and charge accordingly. In no case will the Council aggregate multiple requests on unrelated subjects from the same requester.

(vii) *Advance payment of fees.* The Council will not require a requester to make an assurance of payment or an advance payment unless:

(A) The Council estimates or determines that allowable charges that a requester may be required to pay are likely to exceed $250. The Council will notify the requester of the likely cost and obtain satisfactory assurance of full payment where the requester has a history of prompt payment of FOIA fees, or require an advance payment of an amount up to the full estimated charges

in the case of requesters with no history of payment; or

(B) A requester has previously failed to pay a fee charged in a timely fashion. The Council may require the requester to pay the full amount owed plus any applicable interest as provided in § 1101.4(b)(5)(iv) or demonstrate that he/she has, in fact, paid the fee, and to make an advance payment of the full amount of the estimated fee before the Council begins to process a new request or a pending request from that requester.

(C) When the Council acts under § 1101.4(b)(5)(vii) (A) or (B), the administrative time limits prescribed in subsection (a)(6) of the FOIA (i.e., 10 working days from receipt of initial requests and 20 working days from receipt of appeals from initial denial, plus permissible extensions of these time limits) will begin only after the Council has received the fee payments described.

[FR Doc. 88-5053 Filed 3-7-88; 8:45 am]

BILLING CODE 6210-01-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 120

[Rev. 7; Amdt. 2]

Business Loan Policy

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: This final rule permits the Small Business Administration (SBA) to suspend or revoke the privilege of lenders, brokers, dealers and registered holders to sell or otherwise deal in section 7(a) secondary market loan or pool certificates for significant violations of the Rules and Regulations of the secondary market and for certain other offenses. It also clarifies that the disclosure requirements for individual loan certificates and pool certificates apply equally to certificates placed into or used as the backing for a trust, investment pool, mutual fund or any other security. Finally, it modifies the existing regulatory requirements for pool assembler eligibility to require that pool assemblers be regulated by the appropriate regulatory agency, as defined in the Government Securities Act of 1986 (Pub. L. 99-571, 100 Stat. 3208). On November 4, 1987, SBA published in the **Federal Register** (52 FR 42305) a notice of proposed rulemaking.

EFFECTIVE DATE: March 8, 1988.

FOR FURTHER INFORMATION CONTACT: Allan S. Mandel, Assistant Deputy Associate Administrator for Financial Assistance, (202) 653-6696.

SUPPLEMENTARY INFORMATION: Under the authority of sections 5(f)-5(h) of the Small Business Act (15 U.S.C. 634(f)-(h)) ("Act"), SBA operates a secondary market in SBA guaranteed loan and pool certificates. The process works as follows: A lender, previously approved by SBA to make guaranteed loans under section 7(a) of the Act, makes such a loan to a small business. The lender may sell the guaranteed portion of the loan to a secondary market broker-dealer, which then resells the loan to an investor. Alternatively, broker-dealers that are approved by SBA as pool assemblers may form pools backed by the guaranteed portions of several SBA guaranteed loans, and sell certificates representing total or fractional ownership in such pools to investors.

The final rules described herein enable SBA to carry out its responsibilities to develop such procedures as are necessary for the facilitation, administration, and promotion of secondary market operations (section 5(f)(3) of the Act); require the seller of a certificate to disclose to a purchaser information on the terms, conditions and yield of the security (section 5(h)(3) of the Act); and regulate brokers and dealers in this market (section 5(h)(4) of the Act).

SBA is amending its regulations to permit the Agency to suspend or revoke the privilege of lenders, brokers, dealers and registered holders to sell or otherwise deal in loan or pool certificates under certain circumstances.

Section 120.605 as amended permits SBA to suspend or revoke the privilege of a lender, broker, dealer or registered holder to sell, purchase, or deal in loans, loan certificates or loan pool certificates if such lender, broker or registered holder commits a significant violation, as determined by SBA, of the Rules and Regulations of the Secondary Market. SBA is also authorized to suspend or revoke such entities for (1) a significant violation, as determined by SBA, of any of the provisions of the contracts entered into by the parties, including, but not limited to, Standard Forms 1085, 1086, 1088 and 1454 or (2) knowingly submitting false or fraudulent information in support of its participation in the Secondary Market to SBA or the fiscal and transfer agent (FTA). SBA would provide written notice of such determination at least 10 business days prior to the effective date of such determination. The notice would inform the broker, dealer, or registered holder of the opportunity for a hearing pursuant to Part 134 of this chapter. During the period of any proceedings under Part 134 the action of the SBA remains in effect. It should also be noted that action under this regulation would not preclude SBA from taking additional action to debar or suspend a lender, broker, dealer or registered holder under the Nonprocurement Debarment and Suspension rule scheduled to be published in final form in May of 1988 in cases where the SBA believes that such action is warranted. (Proposed Nonprocurement Debarment and Suspension Rule published October 20, 1987, at 52 FR 39015.)

Subparts G (pooling of SBA guaranteed portions) and H (individual SBA guaranteed portions sold into the secondary market) of Part 120 of this chapter are amended to exclude any broker or dealer from selling or otherwise dealing in pool certificates if the broker's or dealer's authority to engage in the securities business has been revoked or suspended by a supervisory agency. When such authority has been suspended, the broker or dealer would be suspended by SBA for the duration of the suspensions by the supervisory agency. If the broker or dealer has been indicted or otherwise formally charged with a misdemeanor or felony bearing on its fitness to participate in the market for pool certificates, the broker or dealer may be suspended while the charge is pending. Upon conviction, participation may be terminated. When the broker or dealer has suffered an adverse final civil judgment, holding that the broker or dealer has committed a breach of trust or violation of law or regulation protecting the integrity of business transactions or relationships, participation in the market for certificates may be terminated.

Under the final regulation, SBA could, for any of the reasons stated above, suspend or revoke the privilege of any broker or dealer to participate in this market. SBA would give written notice at least ten business days prior to the effective date of such an action. The notice shall inform the broker or dealer of the opportunity for a hearing pursuant to Part 134 of this Chapter. During the period of any proceedings under Part 134 the action of the SBA shall remain in effect. It should also be noted that action under this regulation would not preclude SBA from taking additional action to debar or suspend a broker or dealer under the Nonprocurement Debarment and Suspension rule scheduled to be published in final form in May of 1988 in cases where the SBA believes that such action is warranted. (Proposed Nonprocurement Debarment and Suspension Rule published October 20, 1987 at 52 FR 39015.)

These regulatory changes are counterparts of the existing regulations on suspension and termination of brokers and dealers in the Small Business Investment Company (13 CFR 107.201(c)(4)) and Development Company (13 CFR 108.505(1)) programs. As such, they make the regulations of the section 7(a) secondary market consistent on this subject with those of the other two programs.

SBA received two comments on this aspect. The first commentator stated its support of each of the proposed changes. However, it suggested that the hearings and appeals procedure must be spelled out specifically. SBA believes that the hearings and appeals procedure is detailed quite specifically in Part 134 of its Regulations, pertaining to the Office of Hearings and Appeals (13 CFR Part 134).

The second commentator raised two issues. First, it was concerned that ten days' prior notice of any suspension or revocation is insufficient. "We believe that it is more appropriate for the SBA, should it have any objection to an SBA lender's course of conduct, to first take steps to work out the problem with the lender before the SBA resorts to suspension or revocation * * *. Alternatively, we suggest that the proposed regulations be amended to require the SBA to use best efforts to resolve a problem with the lender before the SBA gives notice of suspension or revocation."

SBA has used and will continue to use its best efforts to work out solutions to problems without resorting to suspension or revocation. However, SBA disagrees with the commentator's implicit assumption that suspension or revocation are unwarranted as long as the offending party agrees to cease its rule violations. SBA believes that it must reserve the right of suspension or revocation with ten days notice where such action is required in the public interest. Such cases would include but not be limited to instances in which the suspended party has a history of repeated rule violations, where there is a pattern of concurrent violations, or where the violation is egregious.

This commentator also raised the issue of SBA's proposal that, during the period of any appeal proceedings under Part 134, the action of the SBA (suspension or revocation) would remain in effect. "We believe that, given the severity of suspension or revocation, a fairer result would be to allow the SBA lender to continue operations pending a final determination under Part 134." As we discussed above, SBA believes that it must reserve the right of suspension with ten days notice where such action is required in the public interest.

As an alternative the commentator suggests "that the lender should have the opportunity, at the initiation of any proceedings under Part 134, to seek a stay of the SBA's action pending resolution of the appeal under Part 134." In response, SBA notes that its regulations already provide the alternative that the commentator requests. Under Part 134 a judge has authority to issue protective orders, as follows: "Under motion by a party, or by any person from whom discovery is sought, for good cause shown, or upon his or her own motion, the judge may issue such orders as justice requires to protect a party or person from harassment, embarrassment, oppression, or undue burden or expense, or from breach of confidentiality of material or information warranting protection." 13 CFR 134.18(c) In addition, a judge has the authority to "issue decisions and orders" and to "take any other appropriate action authorized by this Part or the Delegations of Authority to the Office [of Hearings and Appeals]." 13 CFR 134.18(b) (11) and (12).

Sections 120.713 and 120.809 of this Part 120 requires a seller of individual loan and pool certificates to disclose to the purchaser information on the terms, conditions and yield of the security as described in the Secondary Market Program Guide. The final regulations clarify that this requirement applies equally to loan or pool certificates placed into or used as the backing for a trust, investment pool, mutual fund or any other security. In such cases the same disclosure information must be provided to investors through the prospectus and any promotional material and any other written description of the security. If loan or pool certificates are placed into or used as the backing for money market funds, the yield calculation on the SBA loan or pool certificate portion of such funds must be calculated according to the methodology and assumptions described in the Secondary Market Program Guide.

SBA and the Public Securities Association have agreed upon a methodology for estimating yields on these securities, pursuant to SBA's responsibilities under section 5(h)(3) of the Act. The methodology for estimating the yield on these securities must be carefully specified because SBA guaranteed loans may be prepaid prior to the scheduled maturity if (1) the borrower defaults and SBA honors its guaranty or (2) the borrower voluntarily prepays. (SBA loans may be prepaid by the borrower without penalty.) The occurrence of either of these events cannot be predicted with certainty. Prepayment has a significant impact upon yield, particularly with certificates priced substantially away from par.

The purpose of the disclosure requirements is to provide investors with a benchmark constant annual prepayment rate (CPR) based upon an analysis of the prepayment history of SBA guaranteed loans. The purpose of the benchmark is twofold: (1) to produce a cash flow yield calculation based upon the past performance of SBA loans and (2) to help investors choose between alternative SBA loan and pool certificates and between SBA loan and pool certificates and alternative investments. The elements that form the disclosure requirements enable investors to know the facts and assumptions used to develop the benchmark cash flow yield estimate.

These final regulatory changes are necessary because a mutual fund backed by SBA guaranteed portions is sold in the same marketplace as SBA pool and individual loan certificates. Accuracy and consistency in the quoting of yields are necessary to prevent investor confusion, to maintain an orderly and credible market, and to provide accurate information to investors.

Under the authority of the Small Business Secondary Market Improvements Act, enacted in 1984 (98 Stat 329), SBA has required pool assemblers to be (1) regulated by a state or federal financial regulatory agency, (2) regulated by SBA, or (3) a member of the National Association of Securities Dealers (13 CFR 120.703(a)). The passage of the Government Securities Act of 1986 (100 Stat. 3208) established for the first time a Federal Government-wide system for regulation of brokers and dealers who transact business exclusively in government securities or a government securities business combined with business in certain other activities. Accordingly, SBA is revising § 120.703(a) to require pool assemblers to be regulated by the appropriate regulatory agency as defined in section 3(a)(34)(G) of the Securities Exchange Act of 1934 as amended (15 U.S.C. 78c(a)(34)(G)), pursuant to the mandate of the Government Securities Act of 1986.

For purposes of the Regulatory Flexibility Act (5 U.S.C. 605(b)), SBA certifies that this rule is likely to have a significant economic impact on a substantial number of small entities. This action is being taken to ensure that the secondary market for SBA guaranteed loans is operated efficiently, honestly, and openly. Section 5 of the

Small Business Act authorizes SBA to develop procedures for the facilitation, administration, and promotion of secondary market operations. The statute requires disclosure of information to purchasers and allows SBA to regulate brokers and dealers. These regulations implement the statutory authority. It is not possible or feasible to estimate how many of the existing or potential lenders, brokers, dealers, or registered holders are or will be small entities, but it may be safely assumed that of the total universe there will be a large number of small entities. There are no reporting or recordkeeping requirements created by these regulations. The entities operating in the secondary market, in the nature of things, must operate properly, and the thrust of these regulations is to give SBA the authority to revoke the privilege of participating in the SBA secondary market from a broker or dealer which is acting improperly. There are no Federal rules which duplicate, overlap or conflict with the final rule. There are no significant alternatives since the final regulations are consistent with existing SBA regulations on the suspension and termination of brokers and dealers in the Small Business Investment Company and Development Company programs. Further, the Agency must implement the provisions of the Government Securities Act which was effective in July 1987 in regulating brokers and dealers which transact business in government securities.

SBA certifies that this rule does not constitute a major rule for the purpose of Executive Order 12291, since the changes are not likely to result in an annual effect on the economy of $100 million or more.

This final rule contains no new reporting or recordkeeping requirements subject to the Paperwork Reduction Act. 44 U.S.C. Ch. 35. The disclosure requirements set forth in §§ 120.808 and 120.809 are clarifications of preexisting requirements, which have already received OMB approval under the Paperwork Reduction Act.

List of Subjects in 13 CFR Part 120

Loan programs/business, Small business.

Accordingly, pursuant to the authority contained in section 5(b)(6) of the Small Business Act (15 U.S.C. 634(b)(6)), SBA amends Part 120, Chapter I, Code of Federal Regulations, as follows.

PART 120—BUSINESS LOAN POLICY

1. The authority citation for Part 120 continues to read as follows:

Authority: 15 U.S.C. 634(b)(6) and 636(a) and (h).)

2. Section 120.605–1 is amended by revising the first sentence to read as follows:

§ 120.605–1 Transferability.

Except as indicated below in § 120.605–2, certificates issued by the FTA shall be freely transferable. * * *

§ 120.605–3 [Redesignated from § 120.605–2]

3. Section 120.605–2 is redesignated as § 120.605–3, and a new § 120.605–2 is added to read as follows:

§ 120.605–2 Violation of Secondary Market Rules and Regulations.

SBA reserves the right to suspend or revoke the privilege of a lender, broker, dealer or registered holder to sell, purchase, broker, or deal in loans, loan certificates or loan pool certificates if such lender, broker, dealer or registered holder:

(a) commits a significant violation, as determined by SBA, of the Rules and Regulations of the Secondary Market (Subparts F, G and H of this Part);

(b) commits a significant violation, as determined by SBA, of any of the provisions of the contracts entered into by the parties, including, but not limited to, Standard Forms 1085, 1086, 1088 and 1454; or

(c) knowingly submits false or fraudulent information in support of its participation in the SBA Secondary Market to SBA or the FTA. SBA shall provide written notice of such determination at least 10 business days prior to the effective date of such determination. Such notice shall inform the lender, broker, dealer, or registered holder of the opportunity for a hearing pursuant to Part 134 of this chapter. During the period of any proceedings under Part 134 the action of the SBA shall remain in effect.

4. Section 120.703 is amended by revising paragraph (a)(1) to read as follows:

§ 120.703 Eligible pool assemblers.

(a) * * *

(1) Is regulated by the appropriate regulatory agency as defined in Section 3(a)(34)(G) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(34)(G));

* * * * *

§§ 120.705—120.712 [Redesignated as §§ 120.706—120.713]

5. Section 120.705 through 120.712 are redesignated as §§ 120.706 through 120.713, and a new § 120.705 is added to read as follows:

§ 120.705 Suspension or revocation of broker or dealer.

(a) In addition to the provisions of Section 120.605–2, SBA may exclude any broker or dealer from selling or otherwise dealing in certificates:

(1) If such broker's or dealer's authority to engage in the securities business has been revoked or suspended by a supervisory agency. When such authority has been so suspended, such broker or dealer will be suspended by SBA for the duration of such suspension by the supervisory agency.

(2) If such broker or dealer has been indicted or otherwise formally charged with a misdemeanor or felony bearing on its fitness to participate in the market for certificates, such broker or dealer may be suspended while the charge is pending. Upon conviction, participation may be terminated.

(3) When such broker or dealer has suffered an adverse final civil judgment, holding that such broker or dealer has committed a breach of trust or violation of law or regulation protecting the integrity of business transactions or relationships, participation in the market for certificates may be terminated.

(b) SBA may, for any of the reasons stated above, suspend or revoke the privilege of any broker or dealer to participate in this market. SBA shall give written notice at least ten (10) business days prior to the effective date of such action. Such notice shall inform the broker or dealer of the opportunity for a hearing pursuant to Part 134 of this Chapter.

(c) Procedures for appealing the decision to suspend or revoke are found in Part 134 of this chapter. During the period of any proceedings under Part 134 the action of the SBA shall remain in effect.

6. Section 120.713, as redesignated, is revised to read as follows:

§ 120.713 Disclosure requirements.

Prior to any sale, the pool assembler or any subsequent seller of a certificate must disclose to the purchaser, either orally or in writing, information on the terms, conditions and yield as described in the Secondary Market Program Guide. In addition, such information must be provided in writing on the transfer document at the time it is submitted to the FTA. The FTA will, subsequent to the sale, provide such disclosure information in writing to the purchaser. If all or part of a pool certificate is placed into or used as the backing for a trust, investment pool, mutual fund or any other security, this same disclosure information must be provided to

investors through the prospectus and any promotional material.

7. Section 120.809 is revised to read as follows:

§ 120.809 Disclosure requirements.

Every registered holder of the guaranteed portion must, prior to any sale, disclose to the purchaser either orally or in writing the terms and conditions and yield of such instrument as described in the Secondary Market Program Guide. In addition, such information must be provided in writing on the transfer document at the time it is submitted to the FTA. The FTA will, subsequent to sale, provide such disclosure information in writing to the purchaser. If all or part of a certificate is placed into or used as the backing for a trust, investment pool, mutual fund or any other security, this same disclosure information must be provided to investors through the prospectus and any promotional material.

8. Section 120.810 is added to read as follows:

§ 120.810 Suspension or revocation of broker or dealer.

(a) In addition to the provisions of § 120.605–2, SBA may suspend or revoke any broker or dealer from selling or otherwise dealing in certificates:

(1) If such broker's or dealer's authority to engage in the securities business has been revoked or suspended by a supervisory agency. When such authority has been so suspended, such broker or dealer will be suspended by SBA for the duration of such suspension by the supervisory agency.

(2) If such broker or dealer has been indicted or otherwise formally charged with a misdemeanor or felony bearing on its fitness to participate in the market for certificates, such broker or dealer may be suspended while the charge is pending. Upon conviction, participation may be terminated.

(3) When such broker or dealer has suffered an adverse final civil judgment, holding that such broker or dealer has committed a breach of trust or violation of law or regulation protecting the integrity of business transactions or relationships, participation in the market for certificates may be terminated.

(b) SBA may, for any of the reasons stated above, suspend or revoke the privilege of any broker or dealer to participate in this market. SBA shall give written notice at least ten (10) business days prior to the effective date of such suspension or revocation. Such notice shall inform the broker or dealer of the opportunity for a hearing pursuant to Part 134 of this chapter.

(c) Procedures for appealing the decision to suspend or revoke are found in Part 134 of this chapter. During the period of any proceedings under Part 134 the action of the SBA shall remain in effect.

Date: January 26, 1988.

James Abdnor,

Administrator.

[FR Doc. 88–5015 Filed 3–7–88; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 87–NM–172–AD; Amdt. 39–5867]

Airworthiness Directives; Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 747 series airplanes, which requires repetitive inspections of the Auxiliary Power Unit (APU) fuel supply line for leaks and repair, if necessary. Replacement of existing APU fuel line shroud drain tube and APU fuel pump drain tube assemblies with new parts terminates the need for repetitive inspections. This action is prompted by a report of fuel leak at a coupling on the APU fuel line shroud. Fuel was found in the forward cargo compartment and in several of the overwing floor beam bays. This condition, if not corrected, could result in a fire.

EFFECTIVE DATE: March 25, 1988.

ADDRESSES: The applicable service information may be obtained from the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Sulmo Mariano, Propulsion Branch, ANM–140S; Telephone (206) 431–1970. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: There has been a recent report of fuel found in the forward cargo compartment and in several of the overwing floor beam bays on a Boeing Model 747 airplane. A fuel leak was found at a coupling on the APU fuel line shroud. The source of the fuel in the shroud was attributed to a leaking APU engine fuel pump seal. The pump drain line is connected to the fuel line shroud by a tee adjacent to the common drain exit. The flow from the pump was sufficient to pressurize the fuel line shroud through the tee connection. Operation of an airplane with a fuel leak such as this could result in a fire.

The FAA has reviewed and approved Boeing Commercial Airplane Company Service Bulletin 747–49–2051, dated November 5, 1987 which describes replacement of the existing APU fuel line shroud drain tube and APU fuel pump drain tube assemblies with independent drain tube assemblies and routing separate locations in the drain mast. The service bulletin also describes replacement of the turbine drain tube assembly and routing the new tube assembly to a newly created body drain.

Since this condition is likely to exist or develop on other airplanes of the same type design, this AD requires repetitive inspection of the APU fuel supply line for leakage and repair, if necessary. Replacement of the existing APU fuel line shroud drain tube and other APU fuel drain system components, and changes in the turbine drain assembly, in accordance with the service bulletin previously mentioned, terminates the requirement for inspection.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

The FAA has determined that this regulation is an emergency regulation that is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required).

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) as follows:

PART 39—[AMENDED]

1. The authority citation of Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By adding the following new airworthiness directive:

Boeing: Applies to Model 747 series airplanes, as listed in Boeing Service Bulletin 747-49-2051, dated November 5, 1987, certificated in any category. Compliance required as indicated, unless previously accomplished.

To eliminate the potential for a fire due to fuel leaking from the auxiliary power unit (APU) drain system, accomplish the following:

A. Within the next 30 days after the effective date of this AD, and at intervals not to exceed 30 days thereafter, inspect the APU fuel supply line for fuel leaks, in accordance with Boeing Model 747 Maintenance Manual Section 28-25-00, page 601, dated August 25, 1987, or later FAA-approved revision. If leakage is detected, repair in accordance with the Maintenance Manual, before further flight.

B. Modification of the APU fuel line drain system, fuel pump drain, and turbine drain assembly, in accordance with Boeing Service Bulletin 747-49-2051, dated November 5, 1987, or later FAA-approved revision, constitutes terminating action for the repetitive inspection requirement of paragraph A., above.

C. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety and which has the concurrence of an FAA Principal Maintenance Inspector, may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

D. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington or Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective March 25, 1988.

Issued in Seattle, Washington, on February 26, 1988.

Wayne J. Barlow,

Director, Northwest Mountain Region.

[FR Doc. 88-4945 Filed 3-7-88; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 87-NM-151-AD; Amdt. 39-5870]

Airworthiness Directives; British Aerospace Model H.S. 748 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain British Aerospace Model H.S. 748 series airplanes, which requires inspection of certain inboard main landing gear pivot bracket forgings for cracks. This amendment is necessary because cracks have been reported in airplanes on which Modification 6175 has been accomplished. This condition, if not corrected, could lead to collapse of the main landing gear.

EFFECTIVE DATE: April 18, 1988.

ADDRESSES: The applicable service information may be obtained from British Aerospace, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Bob Huhn, Standardization Branch, ANM-113, telephone (206) 431-1967. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive, applicable to certain British Aerospace Model H.S. 748 series airplanes, which requires inspection of certain inboard main landing gear pivot bracket forgings for cracks, was published in the **Federal Register** on December 11, 1987 (52 FR 47015).

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received in response to the proposal.

After careful review of the available data, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Currently, no Model H.S. 748 airplanes of U.S. registry will be affected by this AD. However, should a Model H.S. 748 airplane be imported to the U.S. in the future, it will take approximately 12 manhours per airplane to accomplish the required actions, and the average labor cost will be $40 per manhour. Based on these figures, the total cost impact of this AD to a U.S. operator will be $480 per airplane.

For the reasons discussed above, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the critiera of the Regulatory Flexibility Act that this rule will not have a significant economic impact, positive or negative, on a substantial number of small entities, because of the minimal cost of compliance per airplane ($480). A final evaluation has been prepared for this regulation and has been placed in the docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) as follows:

PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By adding the following new airworthiness directive:

British Aerospace: Applies to all Model H.S. 748 series airplanes, on which Modification 6175 has been accomplished (post Mod 6175), certificated in any category. Compliance required as indicated, unless previously accomplished.

To detect cracks and prevent collapse of the main landing gear, accomplish the following:

A. Prior to accumulating 25,000 landings or within the next 750 flight hours after the effective date of this AD, whichever occurs later, and thereafter at intervals not to exceed 1,500 landings, perform an inspection of inboard main pivot bracket assemblies in accordance with paragraph 2A of the British Aerospace H.S. 748 Service Bulletin 57/59, Revision No. 1, dated April 1984. Any assembly found to exhibit corrosion, loose bolts, and/or cracks must be repaired in accordance with paragraph 2D of the above mentioned service bulletin. If corrosion to a depth greater than 0.060-inch is found, repair in accordance with a method approved by the FAA.

B. An alternative means of compliance or adjustment of the compliance time, which provides an acceptable level of safety and which has the concurrence of an FAA Principal Maintenance Inspector, may be used when approved by the Manager, Standardization Branch, ANM-113, FAA, Northwest Mountain Region.

C. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to British Aerospace, Librarian for Service Bulletins, P.O. Box 17414 Dulles International Airport, Washington, DC 20041. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective April 18, 1988.

Issued in Seattle, Washington, on February 29, 1988.

Wayne J. Barlow,

Director, Northwest Mountain Region.

[FR Doc. 88-4946 Filed 3-7-88; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 88-NM-06-AD; Amdt. 39-5868]

Airworthiness Directives; The de Havilland Aircraft Company of Canada, A Division of Boeing of Canada, Ltd; Model DHC-8 Series Airplanes Equipped With Eldec Proximity Switch Electronic Control Unit (PSEU) P/N 8-410-03 or 8-410-04

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action publishes in the **Federal Register** and makes effective as to all persons an amendment adopting a new airworthiness directive (AD) which was previously made effective as to all known U.S. owners and operators of certain de Havilland Model DHC-8 series airplanes by individual telegrams. This AD requires a revision to the airplane flight manual (AFM) to include a pre-flight check of the nose gear cockpit indication system, and repair, if necessary. This action is prompted by a report of a fault identified in the PSEU which can result in the nose gear failing to extend and an incorrect gear position indication in the cockpit.

DATES: Effective March 25, 1988.

This AD was effective earlier to all recipients of telegraphic AD T88-03-51, dated January 28, 1988.

ADDRESSES: The applicable service information may be obtained from The de Havilland Aircraft Company of Canada, A Division of Boeing of Canada, Ltd., Garratt Boulevard, Downsview, Ontario M3K 1Y5, Canada. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at the FAA, New England Region, New York Aircraft Certification Office, 181 South Franklin Avenue, Room 202, Valley Stream, New York.

FOR FURTHER INFORMATION CONTACT: Mr. C. Kallis, Systems Branch, ANE-173, New York Aircraft Certification Office, FAA, New England Region, 181 South Franklin Avenue, Room 202, Valley Stream, New York, 11581; telephone (516) 791-6427.

SUPPLEMENTARY INFORMATION: On January 2, 1988, an incident occurred wherein a de Havilland Model DHC-8 series airplane landed with the nose gear retracted and nose gear doors closed. This was contrary to the cockpit display (three green lights), which indicated that the gear was in the down and locked position. While in flight prior to this landing, there had been an unsafe indication (red nose gear in transit light and amber nose gear light illuminated), which was cleared by cycling the gear. Because the cockpit display erroneously indicated that the nose gear was in the extended position, the pilot did not use the alternate gear extension system.

It has been determined that this incident was caused by a certain fault in the proximity switch electronic control unit (PSEU). The existence of such a fault can be detected while performing the anti-skid check listed in the airplane flight manual (AFM), as part of the cockpit pre-flight check. This fault does not affect the alternate gear extension system.

On January 28, 1988, the FAA issued telegraphic AD T88-03-51, applicable to certain de Havilland Model DHC-8 series airplanes, which requires an AFM revision to include a pre-flight check of the nose gear cockpit indication system prior to each flight, and repair, if necessary. This is considered to be an interim action until final action has been identified, at which time the FAA may consider further rulemaking.

Paragraph C. of the final rule has been revised to require concurrence of the FAA Principal Maintenance Inspector in requests by operators for use of alternate means of compliance. Paragraph C. has also been revised to delegate the authority for adjustment of the compliance time to the Manager of the New York Aircraft Certification Office. The FAA has determined that these changes will not increase the economic burden on any operator, nor will they increase the scope of the AD.

Since a situation existed, and still exists, that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

The Federal Aviation Administration has determined that this regulation is an emergency regulation that is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation or analysis is not required).

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By adding the following new airworthiness directive:

de Havilland Aircraft Company of Canada, A Division of Boeing of Canada, Ltd.: Applies to de Havilland Model DHC-8-101 and -102 series airplanes, certificated in any category, equipped with Eldec Proximity Switch Electronic Control Unit (PSEU), P/N 8-410-03 or 8-410-04. Compliance is required within 24 hours after the effective date of this AD.

To preclude the possibility of the nose gear cockpit indication system indicating erroneous nose gear position, accomplish the following:

A. Add the following to the Limitations Section of the airplane flight manual (AFM) and notify all crew members. This may be accomplished by inserting a copy of this AD in the AFM:

"1. Perform the following check prior to each flight. This check is to be performed even when the airplane is being operated with the anti-skid inoperative under the minimum equipment list:

a. Anti-skid switch—'OFF'

b. Anti-skid switch—'ON'

c. Check that inboard and outboard anti-skid caution lights illuminate, and then extinguish within 6 seconds. Should the lights fail to function as noted above, dispatch is prohibited until maintenance action clears the fault."

"2. While performing the 'After Take Off' and 'Approach' procedures:

a. Monitor the landing gear indication system during landing gear retraction and extension.

b. If there is any irregularity in gear indication or operation at any time throughout the flight, the gear must be confirmed 'DOWN AND LOCKED' using the alternate down-lock verification system, irrespective of a gear 'DOWN AND LOCKED' (green) indication on the normal landing gear indicating system."

B. Any in-flight landing gear irregularity must be corrected after landing by maintenance action prior to further flight.

C. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety and which has the concurrence of the Principal Maintenance Inspector, may be used when approved by the Manager, New York Aircraft Certification Office, FAA, New England Region.

D. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the maintenance requirements of this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer, may obtain copies upon request to The de Havilland Aircraft Company of Canada, A Division of Boeing of Canada, Ltd., Garratt Boulevard, Downsview, Ontario M3K 1Y5, Canada. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the FAA, New England Region, New York Aircraft Certification Office, 181 South Franklin Avenue, Room 202, Valley Stream, New York.

This amendment becomes effective March 25, 1988.

It was effective earlier to all recipients of telegraphic AD T88-03-51, dated January 28, 1988.

Issued in Seattle, Washington, on February 26, 1988.

Wayne J. Barlow,

Director, Northwest Mountain Region.

[FR Doc. 88-4944 Filed 3-7-88; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 87-ASW-32]

Amendment of Control Zone; Altus, OK, and Amendment of Transition Area; Hobart, OK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This final rule will amend the existing control zone located at Altus, OK, and amend the existing transition area located at Hobart, OK. The development of two new standard instrument approach procedures (SIAP) for the Altus Municipal Airport, Altus, OK, has made this multiple amendment necessary. The intended effect of this multiple amendment is to provide additional controlled airspace for aircraft executing the new SIAP's to the airport.

EFFECTIVE DATE: 0901 UTC, May 5, 1988.

FOR FURTHER INFORMATION CONTACT: Bruce C. Beard, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0530, telephone (817) 624-5561.

SUPPLEMENTARY INFORMATION:

History

On September 19, 1987, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by amending the control zone located at Altus, OK, and the transition area located at Hobart, OK (52 FR 36586).

Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is that proposed in the notice.

Sections 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations were republished in Handbook 7400.6C, dated January 2, 1987.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations will amend the control zone located at Altus, OK, and the transition area located at Hobart, OK. The development of two new SIAP's to the Altus Municipal Airport, Altus, OK, has necessitated this multiple amendment. The intended effect of this multiple amendment is to provide additional controlled airspace for aircraft executing the two new SIAP's to the airport.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Control zones, Transition areas.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended as follows:

PART 71—[AMENDED]

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; E.O. 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 71.171 [Amended]

2. Section 71.171 is amended as follows:

Altus, OK [Amended]

By deleting the words, "excluding that airspace within a 1½-mile radius of the Altus Municipal Airport (latitude 34°41'57" N.,

longitude 99°20'21" W.);" and by adding the words, "and within a 5-mile radius of the Altus Municipal Airport (latitude 34°42'00" N., longitude 99°22'00" W.)."

§ 71.181 [Amended]

3. Section 71.181 is amended as follows:

Hobart, OK [Amended]

By deleting the words, "within an 8-mile radius of the Altus AFB;" and by adding the words, "within an 11-mile radius of the Altus AFB."

Issued in Fort Worth, TX, on February 24, 1988.

Larry L. Craig,

Manager, Air Traffic Division, Southwest Region.

[FR Doc. 88-4942 Filed 3-7-88; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 87-ASW-34]

Revision of Transition Area; Johnson City, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will revise the transition area located at Johnson City, TX. The closure of the Shepherd Farm Airport, the decommissioning of the Johnson City Nondirectional Radio Beacon (NDB), and the subsequent cancellation of the associated standard instrument approach procedures (SIAP) have made this revision necessary. The intended effect of this revision will release that controlled airspace no longer required for aircraft executing the SIAP's to the Shepherd Farm and Johnson City Airports. This revision will provide adequate controlled airspace for the VOR-B SIAP now serving the Johnson City Airport. Coincident with this action, the instrument flight rules (IFR) status of the Shepherd Farm Airport is canceled.

EFFECTIVE DATE: 0901 UTC, May 5, 1988.

FOR FURTHER INFORMATION CONTACT: Bruce C. Beard, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0530, telephone (817) 624-5561.

SUPPLEMENTARY INFORMATION:

History

On December 2, 1987, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by revising the transition area located at Johnson City, TX (52 FR 48715).

Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is that proposed in the notice. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6C, dated January 2, 1987.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations will revise the transition area located at Johnson City, TX. The closure of the Shepherd Farm Airport, the decommissioning of the Johnson City NDB, and the cancellation of the associated SIAP's necessitated the need for this revision. The intended effect of this revision will release that controlled airspace no longer required for aircraft executing the respective SIAP's to the Shepherd Farm and Johnson City Airports. This revision will reduce the existing 700-foot transition area to a 7-mile radius of the Johnson City Airport and will provide adequate controlled airspace for the VOR-B SIAP now serving the Johnson City Airport. Coincident with this action, the IFR status of the Shepherd Farm Airport is canceled.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended as follows:

PART 71—[AMENDED]

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; E.O. 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Johnson City, TX [Revised]

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Johnson City Airport (latitude 30°15'05" N., longitude 98°37'21" W.).

Issued in Fort Worth, TX, on February 25, 1988.

Larry L. Craig,

Manager, Air Traffic Division, Southwest Region.

[FR Doc. 88-4941 Filed 3-7-88; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 87-AGL-5]

Alteration of VOR Federal Airways; Knox, IN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the descriptions of Federal Airways V-126 and V-340 located in the vicinity of Knox, IN. The current alignment of these airways has created operational and navigational problems due to the reduced reliability of the O'Hare very high frequency omni-directional radio range and tactical air navigational aid (VORTAC). This action improves safety and reduces controller workload.

EFFECTIVE DATE: 0901 UTC, May 5, 1988.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Branch (ATO-240), Airspace—Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267-9250.

SUPPLEMENTARY INFORMATION:

History

On July 14, 1987, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the descriptions of VOR Federal Airways V-126 and V-340 located in the vicinity of Knox, IN (52 FR 26350). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, and changes to V-126 and V-340 by substituting the Peotone,

IL, radial for the Chicago Heights radial, this amendment is the same as that proposed in the notice. Section 71.123 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6C dated January 2, 1987.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations alters the descriptions of VOR Federal Airways V-126 and V-340 located in the vicinity of Knox, IN. Currently, the navigation fix for arrival aircraft for O'Hare and satellite airports utilizes the O'Hare VORTAC and Chicago Heights radials, however, the O'Hare radial is not reliable and this action changes those radials.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, VOR Federal airways.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; E.O. 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 71.123 [Amended]

2. Section 71.123 is amended as follows:

V-126 [Amended]

By removing the words "From Chicago Heights, IL; Goshen, IN;" and substituting the words "From INT Peotone, IL, 053° and Knox, IN, 297° radials; INT Knox 297° and Goshen, IN, 270° radials; Goshen;"

V-340 [Revised]

From INT Peotone, IL, 053° and Knox, IN, 297° radials; Knox; Fort Wayne, IN, to Richmond, IN.

Issued in Washington, DC, on February 26, 1988.

Daniel J. Peterson,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 88-4940 Filed 3-7-88; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 87-ANM-22]

Alteration of VOR Federal Airways; Missoula, MT

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment changes the descriptions of several Federal Airways located in the vicinity of Missoula, MT. Changes to instrument flight procedures to the Missoula Airport now require the Salt Lake City Air Route Traffic Control Center (ARTCC) controllers to position arriving aircraft on published routes or approach transition prior to transfer of control to the Missoula Air Traffic Control Tower. This action is compatible with the new instrument approach procedures thus expediting the traffic in the Missoula terminal area and increasing flight safety.

EFFECTIVE DATE: 0901 UTC, May 5, 1988.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Branch (ATO-240), Airspace-Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267-9250.

SUPPLEMENTARY INFORMATION:

History

On September 28, 1987, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the descriptions of VOR Federal Airways V-2, V-120, V-257 and V-343 located in the vicinity of Missoula, MT (52 FR 36278). Changes to the instrument flight procedures at the Missoula Airport now require the Salt Lake City ARTCC to position arriving aircraft on a published route prior to transfer of control to the Missoula Air Traffic Control Tower. This procedure involves radar vectors at altitudes compatible with the instrument approach procedures. This proposed action would reduce the vectoring requirement, thereby reducing the controller workload and improving traffic flow. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.123 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6C dated January 2, 1987.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations changes the descriptions of several Federal Airways located in the vicinity of Missoula, MT. Changes to instrument flight procedures to the Missoula Airport now require the Salt Lake City ARTCC controllers to position arriving aircraft on published routes or approach transition prior to transfer of control to the Missoula Air Traffic Control Tower. This action is compatible with the new instrument approach procedures thus expediting the traffic in the Missoula terminal area and increasing flight safety.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, VOR Federal airways.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C 1348(a), 1354(a), 1510; E.O. 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); 14 CFR 11.69.

§ 71.123 [Amended]

2. Section 71.123 is amended as follows:

V–2 [Amended]

By removing the words "Mullan Pass, ID; 5 miles, 53 miles, 91 MSL, Missoula, MT; 6 miles, 84 MSL, Drummond, MT; 11 miles, 84 MSL," and by substituting the words "Mullan Pass, ID; Missoula, MT; Drummond, MT;"

V–120 [Amended]

By removing the words "Mullan Pass, 5 miles, 55 miles, 95 MSL, 43 miles, 125 MSL," and by substituting the words "Mullan Pass;"

V–257 [Amended]

By removing the words "22 miles, 85 MSL"

V–343 [Revised]

From Dubois, ID; Bozeman, MT; to Drummond, MT.

Issued in Washington, DC, on March 1, 1988.

Daniel J. Peterson,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 88–4936 Filed 3–7–88; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Parts 71 and 73

[Airspace Docket No. 87–AWP–36]

Subdivision of Restricted Areas R–3104 and R–3107; Hawaii

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment subdivides Restricted Areas R–3104 and R–3107 in Hawaii into R–3104A, R–3104B, R–3107A and R–3107B with changes in altitude structures and times of use. After reviewing the subject restricted areas, the FAA and the U.S. Navy have determined that the alteration of these areas will enable the using agency U.S. Navy to release previously restricted airspace for public use.

EFFECTIVE DATE: 0901 UTC, May 5, 1988.

FOR FURTHER INFORMATION CONTACT: Andrew B. Oltmanns, Airspace Branch (ATO–240), Airspace-Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267–9254.

The Rule

These amendments to Parts 71 and 73 of the Federal Aviation Regulations subdivides Restricted Areas R–3104 and R–3107 in Hawaii with changes in altitude structures and times of use. This action also amends the Continental Control Area. Because this would amend the time of designation to reflect actual times of use and would reduce the time the restricted areas are in effect, I find that notice and public procedure under 5 U.S.C. 553(b) are unnecessary because these actions are minor technical amendments in which the public would not be particularly interested. Sections 71.151 and 73.31 of Parts 71 and 73 of the Federal Aviation Regulations were republished in Handbook 7400.6C dated January 2, 1987.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Parts 71 and 73

Aviation safety, Continental control area and restricted areas.

Adoption of the Amendments

Accordingly, pursuant to the authority delegated to me, Parts 71 and 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) are amended, as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; E.O. 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); 14 CFR 11.69.

§ 71.151 [Amended]

2. Section 71.151 is amended as follows:

R–3104B Island of Kahoolawe, HI [New]

R–3107B Kaula Rock, HI [New]

PART 73—SPECIAL USE AIRSPACE

3. The authority citation for Part 73 continues to read as follows:

Authority: 49 U.S.C 1348(a), 1354(a), 1510, 1522; E.O.10854; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); 14 CFR 11.69.

§ 73.31 [Amended]

4. Section 73.31 is amended as follows:

R–3104 Island of Kahoolawe, HI [Removed]

R–3104A Island of Kahoolawe, HI [New]

Boundaries. Beginning at lat. 20°34'20" N., long. 156°40'30" W.; thence clockwise 1 mile from and parallel to the shoreline to lat. 20°36'20" N., long. 156°36'30" W.; to lat. 20°36'20" N., long. 156°34'50" W.; to lat. 20°35'20" N., long. 156°31'45" W.; thence clockwise 1 mile from and parallel to the shoreline to lat. 20°30'20" N., long. 156°31'45" W.; to lat. 20°30'00" N., long. 156°31'00" W.; to lat. 20°28'30" N., long. 156°30'45" W.; thence clockwise 3 nautical miles from and parallel to the shoreline to lat. 20°35'25" N., long. 156°43'00" W.; to the point of beginning.

Designated altitudes. Surface to but not including 5,000 feet MSL.

Time of designation. Continuous.

Controlling agency. FAA, Honolulu ARTCC.

Using agency. U.S. Navy, Fleet Area Control and Surveillance Facility, Pearl Harbor, HI.

R–3104B Island of Kahoolawe, HI [New]

Boundaries. Beginning at lat. 20°34'20" N., long. 156°40'30" W.; thence clockwise 1 mile from and parallel to the shoreline to lat. 20°36'20" N., long. 156°36'30" W.; to lat. 20°36'20" N., long. 156°34'50" W.; to lat. 20°35'20" N., long. 156°31'45" W.; thence clockwise 1 mile from and parallel to the shoreline to lat. 20°30'20" N., long. 156°31'45" W.; to lat. 20°30'00" N., long. 156°31'00" W.; to lat. 20°28'30" N., long. 156°30'45" W.; thence clockwise 3 nautical miles from and parallel to the shoreline to lat. 20°35'25" N., long. 156°43'00" W.; to the point of beginning.

Designated altitudes. 5,000 feet MSL to 18,000 feet MSL.

Time of designation. 0700–2200 local time daily; other times by NOTAM issued at least 24 hours in advance.

Controlling agency. FAA, Honolulu ARTCC.

Using agency. U.S. Navy, Fleet Area Control and Surveillance Facility, Pearl Harbor, HI.

R–3107 Kaula, HI [Removed]

R–3107A Kaula, HI [New]

Boundaries. The airspace within 3 nautical miles of the Island of Kaula (lat. 21°39'30" N., long. 160°32'30" W.).

Designated altitudes. Surface to but not including 5,000 feet MSL.

Time of designation. Continuous.

Controlling agency. FAA, Honolulu ARTCC.

Using agency. U.S. Navy, Fleet Area Control and Surveillance Facility, Pearl Harbor, HI.

R-3107B Kaula, HI [New]

Boundaries. The airspace within 3 nautical miles of the Island of Kaula (lat. 21°39'30" N., long. 160°32'30" W.).

Designated altitudes. 5,000 feet MSL to 18,000 feet MSL.

Time of designation. 0700–2200 local time daily; other times by NOTAM issued at least 24 hours in advance.

Controlling agency. FAA, Honolulu ARTCC.

Using agency. U.S. Navy, Fleet Area Control and Surveillance Facility, Pearl Harbor, HI.

Issued in Washington, DC, on March 1, 1988.

Daniel J. Peterson,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 88-4939 Filed 3-7-88; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 73

[Airspace Docket No. 87-ACE-8]

Alteration and Establishment of Restricted Areas; Fort Leonard Wood, MO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: These actions alter the times of use of Restricted Areas R-4501A, B, C, and D and establish R-4501F, G, and H located near Fort Leonard Wood, MO. These actions provide the Department of Army the necessary airspace to accommodate increased training activities.

EFFECTIVE DATE: 0901 UTC, May 5, 1988.

FOR FURTHER INFORMATION CONTACT: Andrew B. Oltmanns, Airspace Branch (ATO-240), Airspace-Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267-9254.

SUPPLEMENTARY INFORMATION:

History

On December 11, 1987, the FAA proposed to amend Part 73 of the Federal Aviation Regulations (14 CFR Part 73) to alter the times of use of Restricted Areas R-4501A, B, C, and D and to establish R-4501F, G, and H located near Fort Leonard Wood, MO (52 FR 47021). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is the same as that proposed in the notice. Section 73.45 of Part 73 of the Federal Aviation Regulations was republished in Handbook 7400.6C dated January 2, 1987.

The Rule

This amendment to Part 73 of the Federal Aviation Regulations will alter the times of use of Restricted Areas R-4501A, B, C, and D and will establish R-4501F, G, and H located near Fort Leonard Wood, MO. This action will increase the total number of restricted areas from four to seven. The establishment of R-4501F, G, and H will be located adjacent to the existing R-4501A, B, C, and D located at Fort Leonard Wood, MO. R-4501F and G located just southwest of the Forney Army Air Field (AAF) is established from the surface to 3,200 feet MSL to contain hazardous training activities. R-4501H located just east of Forney AAF is also established from the surface to 3,200 feet MSL to contain hazardous training activities.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 73

Aviation safety, Restricted areas.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 73 of the Federal Aviation Regulations (14 CFR Part 73) is amended, as follows:

PART 73—SPECIAL USE AIRSPACE

1. The authority citation for Part 73 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510, 1522; E.O. 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11 69.

§ 73.45 [Amended]

2. Section 73.45 is amended as follows:

R-4501A, B, C, and D Fort Leonard Wood, MO [Amended]

By removing the present time of designation and substituting the following:

Time of designation. 0700–1800 Monday-Saturday; other times by NOTAM issued at least 24 hours in advance.

R-4501F Fort Leonard Wood, MO [New]

Boundaries. Beginning at lat. 37°41'00" N., long. 92°09'04" W.; to lat. 37°41'00" N., long. 92°10'52" W.; to lat. 37°43'02" N., long. 92°12'10" W.; to lat. 37°43'10" N., long. 92°08'45" W.; to the point of beginning.

Designated altitudes. Surface to 3,200 feet MSL.

Time of designation. 0700–1800 daily; other times by NOTAM issued at least 24 hours in advance.

Controlling agency. FAA, Kansas City ARTCC.

Using agency. U.S. Army, Headquarters U.S. Army Training Center, Fort Leonard Wood, MO.

R-4501G Fort Leonard Wood, MO [New]

Boundaries. Beginning at lat. 37°41'00" N., long. 92°10'52" W.; to lat. 37°41'00" N., long. 92°14'08" W.; to lat. 37°44'48" N., long. 92°12'19" W.; to lat. 37°44'48" N., long. 92°08'45" W.; to lat. 37°43'10" N., long. 92°08'45" W.; to lat. 37°43'02" N., long. 92°12'10" W.; to the point of beginning.

Designated altitudes. Surface to 3,200 feet MSL.

Time of designation. By NOTAM issued at least 24 hours in advance.

Controlling agency. FAA, Kansas City ARTCC.

Using agency. U.S. Army, Headquarters U.S. Army Training Center, Fort Leonard Wood, MO.

R-4501H Fort Leonard Wood, MO [New]

Boundaries. Beginning at lat. 37°42'50" N., long. 92°07'20" W.; to lat. 37°44'00" N., long. 92°07'15" W.; to lat. 37°44'45" N., long. 92°05'40" W.; to lat. 37°44'50" N., long. 92°04'48" W.; to lat. 37°46'15" N., long. 92°05'30" W.; to lat. 37°47'45" N., long. 92°06'00" W.; to lat. 37°48'00" N., long. 92°06'00" W.; to lat. 37°48'00" N., long. 92°02'40" W.; thence south and along the Big Piney River and Reservation boundary to lat 37°46'45" N., long. 92°01'40" W.; to lat. 37°42'30" N., long. 92°04'05" W.; to lat. 37°42'15" N., long. 92°06'05" W.; to the point of beginning.

Designated altitudes. Surface to 3,200 feet MSL.

Time of designation. 1500–1600 Wednesday; other times by NOTAM.

Controlling agency. FAA, Kansas City ARTCC.

Using agency. U.S. Army, Headquarters U.S. Army Training Center, Fort Leonard Wood, MO.

Issued in Washington, DC, on February 29, 1988.

Daniel J. Peterson,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 88-4943 Filed 3-7-88; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 389

[Docket Nos. RM87-3-091, et al., Order No. 472-C]

Annual Charges Under the Omnibus Budget Reconciliation Act of 1986

Issued January 25, 1988.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Order on rehearing; notice of OMB control numbers.

SUMMARY: The Federal Energy Regulatory Commission (Commission) issued Order No. 472-C on January 14, 1988 (53 FR 1748 (January 22, 1988)). This order on rehearing clarified several portions of the Commission's final rule and order on rehearing of the final rule in this docket. This notice states that the Office of Management and Budget has approved the information collection requirements of FERC Form Nos. 2 and 2A as revised in Order No. 472-C.

EFFECTIVE DATE: January 23, 1988.

FOR FURTHER INFORMATION CONTACT: Sandra S. Vincent, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, (202) 357-8530.

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act, 44 U.S.C. 3501-3520 (1982) and the Office of Management and Budget's (OMB) regulations, 5 CFR Part 1320 (1987), require that OMB approve certain information collection requirements imposed by agency rules. On January 22, 1988, OMB approved the information collection requirements of FERC Form Nos. 2 and 2A as amended by Order No. 472-C under Control Numbers 1902-0028 and 1902-0030, respectively. Therefore, these revised forms are effective as of January 23, 1988. No amendment to the Table of OMB Control Numbers in 18 CFR 389.101(b) is necessary.

Lois D. Cashell,

Acting Secretary

[FR Doc. 88-4967 Filed 3-7-88; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 500

Foreign Assets Control Regulations

AGENCY: Office of Foreign Assets Control, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This rule clarifies the Office of Foreign Assets Control's interpretation of § 500.563 of the Foreign Assets Control Regulations, 31 CFR Part 500 ("the Regulations"), which pertains to transactions incident to travel to, from, and within Vietnam, Cambodia, and North Korea.

EFFECTIVE DATE: March 8, 1988.

FOR FURTHER INFORMATION CONTACT: Marilyn L. Muench, Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, Washington, DC 20220 (Telephone: (202) 376-0392).

SUPPLEMENTARY INFORMATION: Due to the heightened interest in travel to Vietnam and Cambodia, the Office of Foreign Assets Control ("FAC") is issuing this revised version of § 500.563 of the Regulations, which authorizes certain transactions incident to travel to, from, and within Vietnam, North Korea, and Cambodia. The revisions clarify FAC's interpretation of this section. Certain technical amendments have also been made.

The rule makes clear that the only service travel service providers, including persons such as travel agents, tour operators, and carriers, may provide to persons subject to U.S. jurisdiction is the booking of passage aboard a third-country carrier traveling to or from Vietnam, North Korea, or Cambodia. Other transactions, such as the arrangement, promotion, or facilitation of group or individual tours; the arrangement, promotion, or facilitation of hotel accommodations, ground transportation, local tours, and similar travel activities in one of the designated countries; the entry into business arrangements with one of the designated countries; and the acceptance of fees, commissions, or other compensation from one of the designated countries, are prohibited. These prohibitions extend to dealings with or through third-country intermediaries, including the acceptance of compensation from a third-country source for referrals of business to the person.

With respect to transactions by individuals incident to travel within one of the countries designated under 31 CFR Part 500, the Regulations as amended now state explicitly that use of charge cards, including debit or credit cards, is prohibited. Likewise, the processing and payment of charge card transactions, as well as related transactions by persons subject to the jurisdiction of the United States, are prohibited.

Since the Regulations involve a foreign affairs function, the provisions of the Administrative Procedure Act, 5 U.S.C. 553, requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date, are inapplicable. Because no notice of proposed rulemaking is required for this rule, the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, does not apply. Because the Regulations are issued with respect to a foreign affairs function of the United States, they are not subject to Executive Order 12291 of February 17, 1981, dealing with Federal regulations.

List of Subjects in 31 CFR Part 500

Cambodia, North Korea, Travel restrictions, Vietnam.

For the reasons set forth in the preamble, 31 CFR Part 500 is amended as follows:

PART 500—FOREIGN ASSETS CONTROL REGULATIONS

1. The authority citation for Part 500 continues to read as follows:

Authority: 50 U.S.C. App. 5, as amended; E.O. 9193, 7 FR 5205, 3 CFR 1938-1943 Cum. Supp., p. 1174; E.O. 9989, 13 FR 4891, 3 CFR 1943-1948 Comp., p. 748.

2. Section 500.563 is revised to read as follows:

§ 500.563 Certain transactions incident to travel to and in North Korea, North or South Vietnam, or Cambodia.

(a) *Travel transactions by individuals.* The following transactions are authorized:

(1) All transactions by individuals ordinarily incident to their own travel to and from any foreign country designated under § 500.201 of this part.

(2) All transactions by individuals ordinarily incident to their own travel in any foreign country designated under § 500.201 of this part, including payment of living expenses and the acquisition of goods for personal consumption there.

(3) The purchase in any foreign country designated under § 500.201 of this part, and importation as accompanied baggage, of merchandise with a foreign market value not to exceed $100 per person for personal use only. Such merchandise may not be

resold. Single copies of publications do not count against the $100 limit set forth in this paragraph. For purposes of this section, the term "publications" includes books, newspapers, magazines, films, phonograph records, tapes, photographs, microfilm, microfiche, posters, and similar materials. The authorization in this paragraph may be used only once in every six consecutive months.

(b) Persons who travel to any foreign country designated under § 500.201 of this part for the purpose of gathering news, making news films, engaging in professional research, or for similar activities, are authorized to acquire and import into the United States, as accompanied baggage or otherwise, such publications (as defined in paragraph (a) of this section) as are directly related to their professional activities, without limitation as to value. Such merchandise may only be acquired and imported for their own professional use or that of their employers at the time of the travel, and may not be resold to other persons.

(c) Persons who travel pursuant to the general licenses set forth in paragraph (a) of this section after March 18, 1977, and who prior to that date were not designated nationals of any foreign country designated under § 500.201 of this part, are licensed as unblocked nationals. This paragraph does not authorize any transactions prohibited by any other section of this part.

(d) *Travel Service Providers.* (1) All transactions by travel service providers are authorized in connection with the booking of passage to and from a foreign country designated under § 500.201 of this part aboard a third-country carrier, *i.e.*, a carrier that is neither owned, controlled, nor chartered by a person subject to the jurisdiction of the United States, an embargoed country, or a national of an embargoed country. The term "travel service providers" includes, but is not limited to, travel agents; commercial and noncommercial organizations that promote or arrange travel; persons arranging through transportation; persons chartering an aircraft or vessel on behalf of others; persons arranging hotel accommodations, ground transportation, local tours, and similar travel activities; carriers; and ticket agents.

(2) The provision of any service related to travel by individuals to a foreign country designated under § 500.201 of this part is prohibited, other than that licensed by paragraph (d)(1) of this section. Thus, no person subject to U.S. jurisdiction may arrange, promote, or facilitate group or individual tours or travel to any foreign country designated under § 500.201 of this part; arrange, promote, or facilitate hotel accommodations, ground transportation, local tours and similar travel activities within a designated country; enter into business agreements or arrangements with those countries or their nationals with respect to travel; or accept fees, commissions, or other compensation from them. These prohibitions extend to dealings with or through third-country intermediaries, including the acceptance of compensation in any form from a third-country source for referrals of business to the intermediary.

(e) *Use of Charge Cards.* (1) Unless specifically provided, neither this section nor any general or specific license contained in or issued pursuant to this section authorizes persons subject to U.S. jurisdiction to utilize charge cards, including, but not limited to, debit cards, credit cards or other credit facilities, for expenditures in a country designated pursuant to § 500.201 of this part. Such transactions are prohibited by § 500.201.

(2) This section does not authorize the processing and payment by persons subject to U.S. jurisdiction, such as charge card issuers or intermediary banks, of charge card instruments (*e.g.*, vouchers, drafts, or sales receipts) for expenditures in any country designated pursuant to § 500.201 of this part. Also, it does not authorize a domestic charge card issuer, or a foreign charge card firm owned or controlled by U.S. persons, to deal with an enterprise owned or controlled by a foreign country designated under § 500.201 of this part; a national of such a foreign country; or a third-country party, such as a franchisee, in connection with the extension of charge card services to any person in one of the countries designated under § 500.201 of this part.

Dated: February 5, 1988.

R. Richard Newcomb,

Director, Office of Foreign Assets Control.

Approved: February 16, 1988.

John P. Simpson,

Acting Assistant Secretary (Enforcement).

[FR Doc. 88-5006 Filed 3-3-88; 2:51 pm]

BILLING CODE 4810-25-M

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31 CFR Parts 535, 540, 545, and 550

Iran, Nicaragua, South Africa, and Libya; Prepenalty and Penalty Procedures

AGENCY: Office of Foreign Assets Control, Department of the Treasury.

ACTION: Final rule.

SUMMARY: The Office of Foreign Assets Control is amending the regulations concerning Iran (31 CFR Part 535), Nicaragua (31 CFR Part 540), South Africa (31 CFR Part 545), and Libya (31 CFR Part 550) by the addition of prepenalty and penalty procedures to Subparts G of these regulations. The amendments establish a procedure for imposition of civil monetary penalties for violations as provided in section 206(a) of the International Emergency Economic Powers Act, 50 U.S.C. 1705(a), and section 603(b)(1) of the Comprehensive Anti-Apartheid Act of 1986, 22 U.S.C. 5113(b)(1). These changes do not alter any substantive obligations imposed by the regulations, but set forth an additional enforcement tool to secure compliance with those obligations.

EFFECTIVE DATE: March 8, 1988.

FOR FURTHER INFORMATION CONTACT: Thomas F. Baker, Enforcement Advisor, Office of Foreign Assets Control, Department of the Treasury, Washington, DC 20220, 202/376-0970.

SUPPLEMENTARY INFORMATION: The Office of Foreign Assets Control of the Department of the Treasury (FAC) is entrusted with the responsibility of enforcing economic sanctions and restrictions imposed pursuant to the International Emergency Economic Powers Act, 50 U.S.C. 1701 *et seq.*, and the Comprehensive Anti-Apartheid Act of 1986, 22 U.S.C. 5001 *et seq.* Although both statutes provide explicitly for civil penalties, no procedural regulations have previously been issued, and only criminal prosecutions have been brought against violators. Establishment of a civil administrative procedure will provide additional flexibility in enforcement. The following regulations establish a system of administrative enforcement that will permit FAC directly to assess civil monetary penalties, with referral to the Department of Justice for collection when necessary.

Since the regulations involve a foreign affairs function, the provisions of the Administrative Procedure Act, 5 U.S.C. 553, requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date, are inapplicable. Because no notice of proposed rulemaking is required for this rule, the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, does not apply. Because the regulations are issued with respect to a foreign affairs function of the United States, they are not subject to Executive Order 12291 of February 17, 1981, dealing with Federal regulations.

List of Subjects in 31 CFR Part 535, 540, 545, and 550

Foreign assets, Foreign trade, Penalties.

For the reasons set out in the preamble, Title 31, Chapter V of the Code of Federal Regulations, is amended as set forth below.

31 CFR Part 535 is amended as follows:

PART 535—IRANIAN ASSETS CONTROL REGULATIONS

1. The authority citation for Part 535 continues to read as follows:

Authority: Secs. 201–207, 91 Stat. 1626; 50 U.S.C. 1701–1706; E.O. 12170, 44 FR 65729; E.O. 12205, 45 FR 24099; E.O. 12211, 45 FR 26685.

2. Section 535.702 is added to read as follows:

§ 535.702 Prepenalty notice.

(a) *When required.* If the Director of the Office of Foreign Assets Control (hereinafter "Director") has reasonable cause to believe that there has occurred a violation of any provision of this part or a violation of the provisions of any license, ruling, regulation, order, direction or instruction issued by or pursuant to the direction or authorization of the Secretary of the Treasury pursuant to this part or otherwise under the International Emergency Economic Powers Act, and the Director determines that further proceedings are warranted, he shall issue to the person concerned a notice of his intent to impose a monetary penalty. The prepenalty notice shall be issued whether or not another agency has taken any action with respect to this matter.

(b) *Contents*—(1) *Facts of violation.* The prepenalty notice shall: (i) Describe the violation.

(ii) Specify the laws and regulations allegedly violated.

(iii) State the amount of the proposed monetary penalty.

(2) *Right to make presentations.* The prepenalty notice also shall inform the person of his right to make a written presentation within thirty (30) days of mailing of the notice as to why a monetary penalty should not be imposed, or, if imposed, why it should be in a lesser amount than proposed.

3. Section 535.703 is added to read as follows:

§ 535.703 Presentation responding to prepenalty notice.

(a) *Time within which to respond.* The named person shall have 30 days from the date of mailing of the prepenalty notice to make a written presentation to the Director.

(b) *Form and contents of written presentation.* The written presentation need not be in any particular form, but shall contain information sufficient to indicate that it is in response to the prepenalty notice. It should contain responses to the allegations in the prepenalty notice and set forth the reasons why the person believes the penalty should not be imposed or, if imposed, why it should be in a lesser amount than proposed.

4. Section 535.704 is added to read as follows:

§ 535.704 Penalty notice.

(a) *No violation.* If, after considering any presentations made in response to the prepenalty notice, the Director determines that there was no violation by the person named in the prepenalty notice, he promptly shall notify the person in writing of that determination and that no monetary penalty will be imposed.

(b) *Violation.* If, after considering any presentations made in response to the prepenalty notice, the Director determines that there was a violation by the person named in the prepenalty notice, he promptly shall issue a written notice of the imposition of the monetary penalty to that person.

5. Section 535.705 is added to read as follows:

§ 535.705 Referral to United States Department of Justice.

In the event that the person named does not pay the penalty imposed pursuant to this subpart or make payment arrangements acceptable to the Director within thirty days of the mailing of the written notice of the imposition of the penalty, the matter shall be referred to the United States Department of Justice for appropriate action to recover the penalty in a civil suit in a Federal district court.

31 CFR Part 540 is amended as follows:

PART 540—NICARAGUAN TRADE CONTROL REGULATIONS

1. The authority citation for Part 540 continues to read as follows:

Authority: Secs. 201–207, 91 Stat. 1626; 50 U.S.C. 1701–1706; E.O. 12513.

2. Section 540.703 is added to read as follows:

§ 540.703 Prepenalty notice.

(a) *When required.* If the Director of the Office of Foreign Assets Control (hereinafter "Director") has reasonable cause to believe that there has occurred a violation of any provision of this part or a violation of the provisions of any license, ruling, regulation, order, direction or instruction issued by or pursuant to the direction or authorization of the Secretary of the Treasury pursuant to this part or otherwise under the International Emergency Economic Powers Act, and the Director determines that further proceedings are warranted, he shall issue to the person concerned a notice of his intent to impose a monetary penalty. The prepenalty notice shall be issued whether or not another agency has taken any action with respect to this matter.

(b) *Contents*—(1) *Facts of violation.* The prepenalty notice shall: (i) Describe the violation.

(ii) Specify the laws and regulations allegedly violated.

(iii) State the amount of the proposed monetary penalty.

(2) *Right to make presentations.* The prepenalty notice also shall inform the person of his right to make a written presentation within thirty (30) days of mailing of the notice as to why a monetary penalty should not be imposed, or, if imposed, why it should be in a lesser amount than proposed.

3. Section 540.704 is added to read as follows:

§ 540.704 Presentation responding to prepenalty notice.

(a) *Time within which to respond.* The named person shall have 30 days from the date of mailing of the prepenalty notice to make a written presentation to the Director.

(b) *Form and contents of written presentation.* The written presentation need not be in any particular form, but shall contain information sufficient to indicate that it is in response to the prepenalty notice. It should contain responses to the allegations in the prepenalty notice and set forth the reasons why the person believes the penalty should not be imposed or, if imposed, why it should be in a lesser amount than proposed.

4. Section 540.705 is added to read as follows:

§ 540.705 Penalty notice.

(a) *No violation.* If, after considering any presentations made in response to the prepenalty notice, the Director determines that there was no violation by the person named in the prepenalty notice, he promptly shall notify the person in writing of that determination and that no monetary penalty will be imposed.

(b) *Violation.* If, after considering any presentations made in response to the prepenalty notice, the Director determines that there was a violation by the person named in the prepenalty notice, he promptly shall issue a written notice of the imposition of the monetary penalty to that person.

5. Section 540.706 is added to read as follows:

§ 540.706 Referral to United States Department of Justice.

In the event that the person named does not pay the penalty imposed pursuant to this subpart or make payment arrangements acceptable to the Director within thirty days of the mailing of the written notice of the imposition of the penalty, the matter shall be referred to the United States Department of Justice, for appropriate action to recover the penalty in a civil suit in a Federal district court.

31 CFR Part 545 is amended as follows:

PART 545—SOUTH AFRICAN TRANSACTIONS REGULATIONS

1. The authority citation for Part 545 continues to read as follows:

Authority: 50 U.S.C. 1701 *et seq.*; E.O. 12532, 50 FR 36861, Sept. 10, 1985; E.O. 12535, 50 FR 40325, October 3, 1985. Pub. L. 99–440, 100 Stat. 1086; Pub. L. 99–631, 100 Stat. 3515; E.O. 12571, 51 FR 39505, Oct. 29, 1986.

2. Section 545.702 is added to read as follows:

§ 545.702 Prepenalty notice.

(a) *When required.* If the Director of the Office of Foreign Assets Control (hereinafter "Director") has reasonable cause to believe that there has occurred a violation of any provision of this part or a violation of the provisions of any license, ruling, regulation, order, direction or instruction issued by or pursuant to the direction or authorization of the Secretary of the Treasury pursuant to this part or otherwise under the Comprehensive Anti-Apartheid Act of 1986, and the Director determines that further proceedings are warranted, he shall issue to the person concerned a notice of his intent to impose a monetary penalty. The prepenalty notice shall be issued whether or not another agency has taken any action with respect to this matter.

(b) *Contents*—(1) *Facts of violation.* The prepenalty notice shall: (i) Describe the violation.

(ii) Specify the laws and regulations allegedly violated.

(iii) State the amount of the proposed monetary penalty.

(2) *Right to make presentations.* The prepenalty notice also shall inform the person of his right to make a written presentation within thirty (30) days of mailing of the notice as to why a monetary penalty should not be imposed, or, if imposed, why it should be in a lesser amount than proposed.

3. Section 545.703 is added to read as follows:

§ 545.703 Presentation responding to prepenalty notice.

(a) *Time within which to respond.* The named person shall have 30 days from the date of mailing of the prepenalty notice to make a written presentation to the Director.

(b) *Form and contents of written presentation.* The written presentation need not be in any particular form, but shall contain information sufficient to indicate that it is in response to the prepenalty notice. It should contain responses to the allegations in the prepenalty notice and set forth the reasons why the person believes the penalty should not be imposed or, if imposed, why it should be in a lesser amount than proposed.

4. Section 545.704 is added to read as follows:

§ 545.704 Penalty notice.

(a) *No violation.* If, after considering any presentations made in response to the prepenalty notice, the Director determines that there was no violation by the person named in the prepenalty notice, he promptly shall notify the person in writing of that determination and that no monetary penalty will be imposed.

(b) *Violation.* If, after considering any presentations made in response to the prepenalty notice, the Director determines that there was a violation by the person named in the prepenalty notice, he promptly shall issue a written notice of the imposition of the monetary penalty to that person.

5. Section 545.705 is added to read as follows:

§ 545.705 Referral to United States Department of Justice.

In the event that the person named does not pay the penalty imposed pursuant to this subpart or make payment arrangements acceptable to the Director within thirty days of the mailing of the written notice of the imposition of the penalty, the matter shall be referred to the United States Department of Justice for appropriate action to recover the penalty in a civil suit in a Federal district court.

31 CFR Part 550 is amended as follows:

PART 550—LIBYAN SANCTIONS REGULATIONS

1. The authority citation for Part 550 continues to read as follows:

Authority: 50 U.S.C. 1701 *et seq.*; E.O. 12543, 51 FR 875, January 9, 1986; E.O. 12544, 51 FR 1235, Jan. 10, 1986.

2. Section 550.703 is added to read as follows:

§ 550.703 Prepenalty notice.

(a) *When required.* If the Director of the Office of Foreign Assets Control (hereinafter "Director) has reasonable cause to believe that there has occurred a violation of any provision of this part or a violation of the provisions of any license, ruling, regulation, order, direction or instruction issued by or pursuant to the direction or authorization of the Secretary of the Treasury pursuant to this part or otherwise under the International Emergency Economic Powers Act, and the Director determines that further proceedings are warranted, he shall issue to the person concerned a notice of his intent to impose a monetary penalty. The prepenalty notice shall be issued whether or not another agency has taken any action with respect to this matter.

(b) *Contents*—(1) *Facts of violation.* The prepenalty notice shall: (i) Describe the violation.

(ii) Specify the laws and regulations allegedly violated.

(iii) State the amount of the proposed monetary penalty.

(2) *Right to make presentations.* The prepenalty notice also shall inform the person of his right to make a written presentation within thirty (30) days of mailing of the notice as to why a monetary penalty should not be imposed, or, if imposed, why it should be in a lesser amount than proposed.

3. Section 550.704 is added to read as follows:

§ 550.704 Presentation responding to prepenalty notice.

(a) *Time within which to respond.* The named person shall have 30 days from the date of mailing of the prepenalty notice to make a written presentation to the Director.

(b) *Form and contents of written presentation.* The written presentation need not be in any particular form, but shall contain information sufficient to indicate that it is in response to the prepenalty notice. It should contain responses to the allegations in the prepenalty notice and set forth the reasons why the person believes the penalty should not be imposed or, if

imposed, why it should be in a lesser amount than proposed.

4. Section 550.705 is added to read as follows:

§ 550.705 Penalty notice.

(a) *No violation.* If, after considering any presentations made in response to the prepenalty notice, the Director determines that there was no violation by the person named in the prepenalty notice, he promptly shall notify the person in writing of that determination and that no monetary penalty will be imposed.

(b) *Violation.* If, after considering any presentations made in response to the prepenalty notice, the Director determines that there was a violation by the person named in the prepenalty notice, he promptly shall issue a written notice of the imposition of the monetary penalty to that person.

5. Section 550.706 is added to read as follows:

§ 550.706 Referral to United States Department of Justice.

In the event that the person named does not pay the penalty imposed pursuant to this subpart or make payment arrangements acceptable to the Director within thirty days of the mailing of the written notice of the imposition of the penalty, the matter shall be referred to the United States Department of Justice for appropriate action to recover the penalty in a civil suit in a Federal district court.

Dated: January 14, 1988.

R. Richard Newcomb,

Director, Office of Foreign Assets Control.

Approved:

John P. Simpson,

Acting Assistant Secretary (Enforcement).

January 26, 1988.

[FR Doc. 88-5007 Filed 3-3-88; 2:51 pm]

BILLING CODE 4810-25-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 295

[DMA Instruction 5400.7]

Defense Mapping Agency (DMA), Freedom of Information Act (FOIA) Program

AGENCY: Defense Mapping Agency, DoD.

ACTION: Final rule.

SUMMARY: This part is revised to conform with the revision of Department of Defense Freedom of Information Act Regulation, DoD 5400.7-R. It also implements 32 CFR Part 286.

EFFECTIVE DATE: January 21, 1988.

ADDRESS: Defense Mapping Agency Building 56, U.S. Naval Observatory, Washington, DC 20305-3000.

FOR FURTHER INFORMATION CONTACT: Mr. Del Malkie, Defense Mapping Agency, Building 56, U.S. Naval Observatory, Washington, DC 20305-3000, telephone (202) 653-1131.

SUPPLEMENTARY INFORMATION: In 40 FR 6336 appearing on Tuesday, February 11, 1975, the Defense Mapping Agency (DMA) published Part 295 of this title establishing the policy of the Defense Mapping Agency regarding the availability to the public of DMA information and implemented 5 U.S.C. 552. This rule states the policy of the DMA with regard to making DMA records available to members of the public and implements Department of Defense Directive 5400.7 and Department of Defense Regulation 5400.7-R, DoD Freedom of Information Act Program. (32 CFR Part 286).

List of Subjects in 32 CFR Part 295

Freedom of information.

Accordingly, 32 CFR Part 295 is revised as follows:

PART 295—DMA FREEDOM OF INFORMATION ACT (FOIA) PROGRAM

Sec.

Authority: Sections 295.1 to 295.11 issued under 5 U.S.C. 301, 552 as amended by Act of November 21, 1974 (Pub. L. 93-502, 88 Stat 1-3).

§ 295.1 Purpose.

(a) To prescribe Defense Mapping Agency (DMA) policy and procedures for handling requests under the Freedom of Information Act (FOIA).

(b) To implement 5 U.S.C. 552 and DoD Directive 5400.7.[1]

[1] Copies may be obtained if needed, from the U.S. Naval Publication and Forms Center, ATTN: Code 1052, 5801 Tabor Avenue, Philadelphia, PA 19120.

§ 295.2 Applicability and Scope.

(a) The provision of this part apply to all elements of DMA.

(b) Maps, charts, map compilation manuscripts, map research materials software and data if not created or used as primary sources of information about organizations, policies, functions, decisions or procedures of a DoD Component are not considered "records" for the purposes of 5 U.S.C. 552, DoD Directive 5400.7, and DoD 5400.7-R.[2] For additional items not considered under the definition of "record," see paragraph 1-402 of DoD 5400.7-R.

(c) This part does not apply to requests from members of Congress, who are governed by DoD Directive 5400.4[3] or from the General Accounting Office, which is governed by DoD Directive 7650.1.[4]

§ 295.3 Definition of pertinent records.

For the purpose of this part records shall be considered "pertinent" if they concern either an individual who is, or foreseeably may become, involved in litigation involving the United States or a matter which is, or foreseeably may become, the subject of litigation involving the United States.

§ 295.4 Policy.

(a) *Creating a record.* A record must exist and be in the possession and control of DMA at the time of a request to be considered subject to the FOIA. There is no obligation to create nor compile a record to satisfy a FOIA request; however, a new record may be compiled when so doing would result in a more useful response to the requester, or be less burdensome to DMA, and the requester does not object. Cost of creating or compiling such a record may not be charged to the requester unless the fee for creating the record is equal to or less than the fee which would be charged for providing the existing record. (See paragraph 1-506 of DoD 5400.7-R).

(b) *Public requests.* It is DMA policy to make available to the public the maximum amount of information concerning its operations and activities. Exemptions to this policy are stated in 5 U.S.C. 552 and DoD 5400.7-R. However, exempt records may be released to the public when their disclosure would not be inconsistent with the Privacy Act.

[2] Copies may be obtained, at cost, from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.

[3] See footnote 1 to § 295.1(b).

[4] See footnote 1 to § 295.1(b).

DMA Instruction 5400.11 [5] or any other statutory requirements, and when no legitimate government purpose would be served by withholding them. DoD 5400.7–R provides additional policy guidance regarding the release of DMA records.

(c) *News media requests.* Requests from news media for records that would not be withheld under FOIA shall be released promptly in order to provide timely information to the public and eliminate the need to invoke the provisions of FOIA.

(d) *Contractor requests.* Guidance for the release of information received from a non-U.S. Government source is contained in paragraph 5–207 of DoD 5400.7–R.

(e) *Classified records.* If classified records are requested, see additional guidance outlined in Chapter VII, DMA manual 5200.1 [6].

(f) *FOUO records.* (1) Information that has not been given a security classification pursuant to the criteria of an Executive Order, but which may be withheld from the public one or more of the reasons cited in FOIA Exemptions 2 through 9 shall be considered as being for official use only. No other material shall be considered or marked "For Official Use Only" (FOUO), and FOUO is not authorized as an anemic form of classification to protect national security interests.

(2) The prior application of FOUO markings is not a conclusive basis for withholding a record that is requested under FOIA. When such a record is requested, the information in it shall be evaluated to determine whether, under current circumstances, FOIA exemptions apply in withholding the record or portions of it. If any exemption(s) apply, the record may be released when it is determined that no governmental interest will be jeopardized by its release.

(g) *Historical paper.* Records such as notes, working papers and drafts retained as historical evidence of DoD Component actions enjoy no special status apart from the exemptions under the FOIA.

(h) *Fees.* Chapter VI, DoD 5400.7–R, should be consulted before fees are assessed. Fee application is discussed in paragraph 6–101, fee restrictions in paragraph 6–102, fee waivers in paragraph 6–103, and fee assessment in paragraph in 6–104.

[5] Copies may be obtained, if needed, by written request to Defense Mapping Agency, Attn: AO, Building 56, U.S. Naval Observatory, Washington, DC 20305–3000.

[6] See footnotes 5 to § 295.4(b).

§ 295.5 Responsibilities.

(a) The Director, Public Affairs (DMA(PA)), is designated Freedom of Information Officer and is responsible for administering the FOIA program within DMA.

(1) DMA(PA) will: (i) Receive, log, and prepare initial responses to all FOIA requests received at Headquarters. PA will coordinate its response with the office responsible for making the determination to release or withhold requested records, and the General Counsel (GC). Responses to appeals will be made by GC. All other correspondence relating to FOIA will be coordinated through PA.

(ii) Notify GC prior to release of requests for records which are pertinent to pending or potential litigation involving the United States.

(iii) Prepare an Annual Report on FOIA and forward it to the Office of the Assistant Secretary of Defense (Public Affairs) (OASD) (PA)), as directed.

(2) Component PAs (or those acting in that capacity) will: (i) Receive, log and prepare initial responses to all FOIA requests received. PA will coordinate its response with the office making the determination to release or withhold requested records, and the Component Associate General Counsel (AGC). All other correspondence relating to FOIA will be coordinated through PA.

(ii) Notify the Component Associate General Counsel prior to release about requests for records which are pertinent to pending or potential litigation involving the United States.

(iii) Submit an Annual Report to HQ DMA(PA) by 15 January each year. (See Chapter VIII of DoD 5400.7–R for guidance.)

(iv) Forward a copy of their Component supplement to DMA (PA) 90 days after receiving this part.

(b) The Chief of Staff and the Deputy General Counsel are delegated authority to initially deny release of DMA records at HQ DMA. This denial authority is also delegated to Component Directors and Associate General Counsels as follows:

(1) AGC AC—for AC and IAGS.
(2) AGC HTC—for HTC, CSC and DMS.
(3) AGC SC—for SC, OTS and RC.

This authority may not be redelegated. A copy of all Component denial letters will be forwarded to HQ DMA (GC).

(c) The DMA Deputy Director (DD) and GC are delegated authority to make final determinations on appeals in accordance with the provisions of Sections 3, Chapter V of DoD 5400.7–R.

(d) The DMA Director of Personnel (PO) will establish and implement appropriate procedures for responding to any corrective actions recommended by the Office of Personnel Management in cases involving arbitrary or capricious withholding or records by DMA officials pursuant to Section 4, Chapter V, DoD 5400.7–R. PO and PA shall implement training and information requirements as outlined in Chapter VIII, DoD 5400.7–R.

§ 295.6 Procedures.

(a) *Mandatory expeditious handling.*—(1) *Record released.* The initial determination of whether to release a record upon request will normally be made and a decision reported to the requester within 10 working days. The record requested will be forwarded promptly, usually with the initial response, provided the requester has met the criteria for release. A sample letter is shown at Appendix A.

(2) *Interim response.* If the requested record cannot be made available within 10 working days, an interim response will be forwarded. Any delay beyond the initial 10 working days may not exceed 10 additional working days and will be authorized only for the reasons described in Section 2, Chapter V, DoD 5400.7–R. A sample letter is shown at Appendix B.

(3) *Record denied.* If a request for a record is denied, in whole or in part, the requester will be given a written explanation for such a determination by an official designated in § 295.5. The requester will also be advised of his/her right to appeal the denial to the GC within 60 days from the date of the denial letter. The letter will also include the name and address of the official responsible for the denial. A sample letter is shown at Appendix C.

(4) *Request appealed.* Final determinations on appeals will normally be made within 20 working days of receipt by the Deputy Director or General Counsel. If, due to unusual circumstances, additional time is needed to decide the appeal, the final determination may be delayed for the number of working days, not to exceed 10, which were not used as additional time for responding to the initial request. Final denials to provide a requested record will be made in writing by the Deputy Director or General Counsel in accordance with appeal procedures prescribed in Section 3, Chapter V, DoD 5400.7–R.

(5) *Request referred.* If the record requested was originated by another Agency or Component, it will be referred promptly to the originating Agency or Component for disposition. The period allowed for responding to a request misdirected by the requester

will not begin until it is received by the referral. A sample letter is shown at Appendix D.

(b) *Facilities for inspection and copying records.* (1) The handling of all requests from the public to inspect and copy records will be in strict accordance with the procedures prescribed in DoD 5400.7–R. Subject to exemptions contained in 5 U.S.C. 552, DMA will ensure easy access by the public for inspection and copying of records described in 5 U.S.C., unless such records have been published and copies offered for sale. This inspection and copying will take place in appropriate rooms designated by DMA(PA) and Components.

(2) HQ DMA and Components will make available current indexes which identify material described in paragraph (a)(2) of 5 U.S.C. 552.

(3) Use of DMA inspection and copying facilities by the public will be made by appointment only. Appointments will normally be requested by letter to FOIA officers or those acting in that capacity.

(c) *Identification of records requested.* Requests to inspect or obtain copies of records will normally be submitted by letter and should contain at least the following information:

(1) As complete an identification as possible of the desired record, including (if known) its title or a description thereof, date and the issuing office.

(2) With respect to matters of official record concerning civilian or military personnel, the first name, middle name or initial, and surname of the individual concerned, if known.

(3) A statement as to whether the requester wishes to inspect the record at a DMA facility or obtain copies thereof by return mail.

(d) *Addressing requests.* Requesters should address their inquiries to the appropriate official as follows:

(1) Director, Defense Mapping Agency, Bldg. 56, U.S. Naval Observatory, Washington, DC 20305–3000.

(2) Director, DMA Aerospace Center, 3200 South Second Street, St. Louis, Missouri 63118–3399.

(3) Director, DMA Hydrographic/ Topographic Center, 6500 Brookes Lane, Washington, DC 20315–0030.

(4) Director, DMA Combat Support Center, 6101 MacArthur Blvd. Washington, DC 20315–0019.

(5) Director DMA Inter American Geodetic Survey, Bldg. 144 Fort Sam Houston, Texas 78234–5000.

(6) Director, DMA Systems Center, 8301 Greensboro Drive, Suite 800, McLean, Virginia 22100–3692.

(7) Director, DMA Office of Telecommunications Services, 1840 Michael Faraday Court, Reston, Virginia 22090–5304.

(8) Director, Defense Mapping School, Fort Belvoir, Virginia 20060–5828. If the requester is not certain to which DMA Component his inquiry should be addressed, it may be submitted to the Director, Defense Mapping Agency, Building 56, U.S. Naval Observatory, Washington, DC 20305 where prompt action will be taken to direct it into proper channels. The requester should always ensure that the words "Freedom of Information Act Request" are conspicuously placed on the front of the envelope of each FOIA request.

§ 295.7 Coordination with Department of Justice.

(a) *Policy.* The appropriate United States Attorney shall be notified prior to release about any FOIA request for records which are pertinent to pending litigation against the United States.

(b) *Procedure.* The DMA custodian of records sought under the FOIA shall determine whether such records are pertinent to pending or potential litigation involving the United States. The custodian may request the assistance of Counsel in making a determination. The custodian shall advise PA, in writing, whether any of the requested records have been determined to be pertinent to such litigation. Prior to release of such records, DMA PA shall notify GC of the request. Component PAs shall notify their Associate General Counsel; Components without PAs shall notify the Associate General Counsel assigned to their Component. GC or Component Associate Counsels shall notify the appropriate United States Attorney and shall coordinate the release of such records with DMA PA and the Department of Justice.

§ 295.8 Information requirements.

The reporting requirements prescribed by this part have been assigned Report Conrol Symbol DD–PA(A)1365 (See Chapter VIII, DoD 5400.7–R)

§ 295.9 Component supplementation.

Component supplementation is mandatory. Forward one copy of Component supplements to DMA(PA) within 90 days of receiving this part

Appendix A—Sample Letter Complying with Request

Dear———

We refer to your letter of

_____

(date)

received in this office on

_____

(date)

in which you requested (identify record requested).

After careful review and consideration of your request, we have determined that the record(s) you seek under the Freedom of Information Act, 5 U.S.C. 552, as amended, is releaseable and it is enclosed.

(See Chapter VI, DoD 5400.7–R, for guidance).

Sincerely,

(Signed)

_____

(Signature block of releasing official)

Appendix B—Sample Letter Notifying Requester of Extension of Time

Dear———

We refer to your letter of

_____

(date)

received in this office on

_____

(date)

in which you requested (identify record requested).

In order to properly process your request for (record(s)) under the Freedom of Information Act, 5 U.S.C., section 552, as amended, an extension of time will be necessary because of (use one of the follow):

a. The need to search for, collect and properly examine a voluminous amount of separate and distinct records covered by your request;

b. The need to search for and collect the requested records from geographical separated elements within DMA;

c. The need for consultation, which will be conducted with all practicable speed, with another or geographical separated element of DMA having a substantial interest in the determination of your request.

d. Other.

A determination regarding your request will be made by

_____

(date)

Sincerely,

_____

(Signed)

—(Signature block of authorized official) ——

Note: Specify a date that will not result in an extension of time of more than the authorized 10 working days.

Appendix C—Sample Letter Denying Request or Partial Denial for Access to or for Obtaining Copy of Records

Dear———

We refer to your letter of

_____

(date)

received in this office on

_____

in which you requested (identify the record requested)

After careful review and consideration of your request, we have determined that (the)

(a portion of the) document(s) you seek is exempt from disclosure under the Freedom of Information Act, 5 U.S.C., section 552, as amended. It is not releaseable because it contains information that (copy or paraphase the applicable exemption as set forth in DoD 5400.7–R).

The decision to withhold release of this record(s) may be appealed in writing to the General Counsel, Defense Mapping Agency, within 60 days from the date of this letter. You should include in your appeal any reasons for reconsideration you wish to present. A copy of this letter should be attached to your appeal, and should be forwarded to the Defense Mapping Agency, Attn: GC, Building 56, U.S. Naval Observatory, Washington, DC 20305–3000.

Note: If this is a partial denial, add the paragraph below if copies of releasable records are to be sent to the requester.)

Copies of the releaseable portion of the requested record(s) (are enclosed) (will be sent promptly under separate cover).

Note: Any deletions made in the records should be justified on the grounds of the exemptions provided in DoD 5400.7–R).

Sincerely,

(Signed)

(Signature block of authorized denial authority)

Note: This format should be varied to fit the situation.

Appendix D—Sample Letter Notifying Requester of Misdirected Request

Dear——

We refer to your letter of

(date)

I received in this office on

(date)

in which you requested (identify record requested).

Your letter was misdirected to this Agency. We have forwarded same to (activity or agency to which the request was referred). You may expect to hear from them shortly.

For further reference, any other requests for similar records should be addressed to (Name and address of agency).

Sincerely,

(Signed)

(Signature block of authorized official)

Note: This format should be varied to fit the situation. Notify GC or Component Counsel prior to forwarding any request to NSA or CIA.

Linda M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

March 1, 1988.

[FR Doc. 88–4842 Filed 3–7–88; 8:45 am]

BILLING CODE 3810–01–M

FEDERAL MARITIME COMMISSION

46 CFR Part 586

[Docket No. 87–6]

Actions to Adjust or Meet Conditions Unfavorable to Shipping in the United States/Peru Trade

AGENCY: Federal Maritime Commission.

ACTION: Reconsideration of final rule.

SUMMARY: The Federal Maritime Commission in response to a petition from three Peruvian carriers to reconsider its Final Rule in Docket No. 87–6 or, in the alternative, to stay the Final Rule under which Petitioners' tariffs would be suspended effective March 7, 1988, has determined to reconsider the Final Rule, insofar as the unfavorable conditions therein found to exist in the U.S./Peru trade arose from certain laws and decrees which have recently been rescinded by the Government of Peru. Further, the Commission has decided to continue the proceeding for the purposes of determining whether the unfavorable conditions previously found continue to exist and whether some other disposition is warranted with respect to the Final Rule. Interested parties are asked to submit comments, views and information.

Further, the Commission has denied a Petition from Empresa Naviera Santa, S.A., to reconsider and amend the Final Rule to exclude it from the remedies imposed in the Final Rule.

DATE: Comments due on or before March 31, 1988.

ADDRESS: Comments (Original and 15 copies) to: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L. Street, NW., Washington, DC 20573 (202) 523–5725.

FOR FURTHER INFORMATION CONTACT: Robert D. Bourgoin Federal Maritime Commission, 1100 L Street, NW., Washington, DC 20573, (202) 523–5740.

SUPPLEMENTARY INFORMATION: Compania Peruana de Vapores ("CPV"), Naviera Neptuno, S.A. ("Neptuno") and Empresa Naviera Santa, S.A. ("Santa") (jointly—"Petitioners") on February 4, 1988, filed a Petition for Reconsideration ("Petition") of the Federal Maritime Commission's ("Commission" or "FMC") Final Rule issued in this proceeding, or, in the alternative, to stay the Final Rule under which Petitioners' tariffs would be suspended effective March 7, 1988, pending certain events. Replies to this Petition were received from the Executive Agencies of the United States ("Executive Agencies"), [1] the Chemical Manufacturers Association ("CMA"), Shippers for Competitive Ocean Transportation ("SCOT"), Great Lakes Transcaribbean Line ("GLTL"), Compania Sud Americana de Vapores ("CSAV"), the Government of Chile, Crowley Caribbean Transport, Inc. ("CCT"), and Lykes Bros. Steamship Co., Inc. (Lykes").

Santa also filed a separate Petition for Reconsideration ("Santa Petition"), requesting that the Commission reconsider and amend the Final Rule to exclude Santa from its applicability. A Reply to this Petition was received from CSAV.

Background

On December 2, 1987, the Commission issued a Final Rule in this proceeding (52 FR 46356, December 7, 1987) stating that it finds "conditions unfavorable to shipping" within the meaning of section 19(1)(b) of the Merchant Marine Act, 1920, 46 U.S.C. app. 876(1)(b) ("Section 19"), exist in the foreign oceanborne trade between the United States and Peru ("Trade"). The Commission advised in its Final Rule that the Government of Peru ("GOP"), through its laws and regulations, imposed burdens on non-Peruvian-flag carriers which are not experienced by Peruvian-Flag carriers.

The GOP laws and regulations to which the Commission referred in its Final Rule include Supreme Decree No. 00986–TC [2] ("Decree 009–86"), which reserved 100 percent of all imported and exported ocean freight generated by Peru's foreign trade for Peruvian-flag carriers. The amount of cargo reserved by Decree 009–96 for Peruvian-flag carriers could be reduced: (1) On the basis of strict reciprocity;[3] (2) pursuant to government or commercial agreements [4] among non-Peruvian and

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[1] This filing was submitted by the Department of Transportation on its own behalf and on behalf of the Department of State, Justice and Commerce.

[2] Decree 009–86 amended Supreme Decree No. 036–82–TC ("Decree 036–82"), effective in 1982. Decree 036–82 reserves Peruvian import and export cargoes for Peruvian-flag vessels and sets out waiver and cargo manifest certification requirements for non-Peruvian-flag carriers. The exact percentage of cargo reserved for Peruvian-flag carriers is not specified in Decree 036–82. Apparently, an earlier decree states that 50 percent of Peruvian import and export cargo is reserved for Peruvian-flag carriers.

[3] *E.g.*, U.S. carriers' access to Peruvian cargoes will be proportional to Peruvian carriers' access to U.S. cargoes.

[4] Non-Peruvian-flag carriers which become parties to such commercial agreements may be granted associate status upon approval by the GOP. Associate carriers are generally excepted from cargo manifest certification and waiver requirements under Decree Nos. 009–86 and 036–82.

Peruvian-flag carriers, preferably including CPV, the Peruvian state-owned shipping line; or (3) when the Peruvian Director General of Maritime Transportation or Peruvian Consuls grant non-Peruvian-flag or Non-associate carriers permission to carry Peruvian export or import cargoes. Authorization for the use of non-Peruvian-flag or non-associate carriers would be granted in the form of a waiver or cargo manifest certification when Peruvian-flag or associate carriers are not available and in position within 12 days [5] following the proposed date of shipment of non-perishable products, or within 4 days in the case of perishable products, or when no Peruvian-flag carrier serves the relevant port.

Subsequent to issuance of the Proposed Rule which initiated this proceeding,[6] regulations ("Regulations") [7] were issued by the GOP pursuant to a Memorandum of Understanding ("MOU") signed by the United States Government ("USG") and the GOP on May 1, 1987. These Regulations set forth new requirements and procedures that shipping lines operating third-flag vessels must observe in order to obtain authorizations from the GOP Ministry of Transportation and Communications ("Ministry") to participate in the Trade.[8] The GOP advised through the Department of State that the "authorization" system under the Regulations totally replaced the existing "waiver" system for granting third-flag carriers access to the Trade.

In its Final Rule the Commission advised that shippers had been deterred or restricted from employing the carrier of their choice. It was concluded, therefore, that the restrictions imposed by the GOP have had an injurious effect on carriers, shippers and the Trade, generally.

In addition, the Commission noted that while it recognized the good faith efforts made by the USG and GOP to address the situation in the Trade through diplomatic means, the resultant Regulations which implement the MOU do not satisfactorily resolve that situation. The Commission stated that, in fact, the Regulations, in effect, continue in place the very types of restrictions and impediments which prompted this proceeding in the first instance. Although third-flag carriers were no longer required to obtain "waivers" for individual shipments, they were to obtain "authorizations" to participate in the Trade. The Commission found this authorization process as inconsistent with free access to trade, as was the waiver system it replaced. In this regard, the Commission also added that it was unknown whether Chilean-flag carriers would be granted authorizations and allowed to operate in the Trade, particularly in light of the existence of Peruvian Resolution No. 044–86–TC/AC ("Resolution 044–86"), which excludes Chilean-flag carriers from certain Peru/third-country trades.

Finally, the Commission further indicated that it could not accept as a satisfactory resolution of this matter an accommodation which would permit the GOP to deny authorization to a third-flag operator in the Trade if the country of nationality of that operator bars participation to Peruvian-flag carriers in any of its third-country trades. The Commission explained that to accept the proposition that the GOP can settle disputes with foreign nations by imposing burdens on U.S. commerce, in effect would allow the GOP to hold the U.S.-Peru trade hostage to obtaining concessions elsewhere.

Thus the Final Rule suspended the tariffs of the Peruvian-flag carriers operating in the Trade, with the exception of Naviera Amazonica Peruana, S.A. ("NAPSA"), [9] unless such carriers obtain authorized status from the Commission.[10] The suspension of these tariffs was made effective March 7, 1988.

Petitions for Reconsideration

A. Petition of CPV, Neptuno and Santa

1. Summary of the Petition

Petitioners request that the FMC reconsider its Final Rule, or, in the alternative, stay the present effective date of the Final Rule on grounds that the rule is basically directed at Decree 009–86 of February 28, 1986, which has been rescinded by GOP Supreme Decree No. 004–88–TC ("Decree 004–88") of January 22, 1988.[11] Further, Petitioners submit that the Regulations which implement the MOU also have been rescinded.

Petitioners indicate that with such action by the GOP, Peruvian cargo preference law has reverted to its status prior to enactment of Decree 009–86, and prior to the initiation of this proceeding which resulted from complaints to the Commission about Decree 009–86. They contend that while Decree 009–86 reserved 100 percent of all Peruvian import and export cargoes, Decree 004–88 reestablishes legislation in existence between 1970 and 1986 which reserves 50 percent of Peruvian cargoes to Peruvian-flag or associated carriers. Petitioners take the position that since, as the Commission states in its Final Rule, this proceeding arose from complaints about the enactment, implementation and enforcement by the GOP of Decree 009–86, the Commission should now reconsider its Final Rule and terminate the proceeding due to the rescission of Decree 009–86.

As an alternative to reconsideration and termination of the proceeding, the Petitioners suggest that the Commission stay its Final Rule pending investigation of present conditions in the Trade or judicial review,[12] whichever is later,

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[5] Supreme Decree No. 033–86–TC modified Decree 009–86 by reducing the number of days a shipment must wait for a Peruvian or associate carrier from 15 days to 12 days.

[6] *See* Notice of Proposed Rulemaking, 52 FR 11832, April 13, 1987.

[7] These Regulations were contained in Ministerial Resolution No. 027–87–TC/AC ("Resolution").

[8] Among other things, the Regulations provided that: (1) Prior authorization must be obtained by third-flag operators from the Ministry to participate with free access to the Trade; (2) the Ministry may deny authorization if the country of nationality of the third-flag operator bars participation with free access to Peruvian-flag carriers in any of its trade dealings with third countries, based on the principle of reciprocity; (3) any authorization granted will be valid for a period of two years and may be renewed for subsequent two-year periods; (4) the granting of any authorization implies an obligation by the operator obtaining it to abide by all GOP laws and regulations applicable to the activity to be performed; and (5) any authorization granted may be revoked if: The authorization was obtained through false statements, information or documents; the country of the operator's nationality has not maintained the reciprocity required; or, the authorized operator fails to comply with the commitments undertaken.

[9] Under the Final Rule, NAPSA's tariff, FMC No. 3, covering the U.S./Iquitos, Peru trade, would not be suspended because the Commission found this subtrade distinguishable from the Trade generally, and, therefore, entitled to different treatment. The Final Rule noted that the Commission did not receive any complaints regarding this subtrade. Further, it stated that there is no alternative to NAPSA's service in this subtrade. (*See* Docket No. 87–6, 52 FR 46362, December 7, 1987.)

[10] The Final Rule states that authorized status shall be conferred upon a Peruvian-flag carrier upon that carrier's submitting to the Commission a certificate from the GOP stating unequivocally that no law, regulation or policy of the GOP will:

(i) Preclude any non-Peruvian-flag carrier from competing in the Trade on the same basis as any other carrier;

(ii) Result in less than meaningful and competitive access by any non-Peruvian-flag carrier, to cargo designated as reserved under Supreme Decree No. 009–86–TC; and

(iii) Impose any administrative burden, including but not limited to the necessity to secure an authorization based on the national status of the carrier, or otherwide discriminate against any non-Peruvian-flag carrier in the Trade.

[11] Decree 004–88 was published in the Peruvian Official Gazette, "El Peruano," on January 25, 1988.

[12] A petition for review of the Final Rule was filed by the Peruvian-flag carriers in the U.S. Court of Appeals for the District of Columbia Circuit ("Court") on January 29, 1988, *Compania Peruana de Vapores, et al. v. USA and FMC*, D.C. Cir. No. 88–1073.

particularly if the Commission determines that it has insufficient knowledge of present conditions in the Trade to order termination of the proceeding. Petitioners contend that a stay would allow time for the Commission to gather any facts required for reconsideration and, if necessary, for the Court to clarify "serious legal issues in this proceeding."

2. Replies to the Petition

a. Comments of the Executive Agencies. The Executive Agencies state that although Decree 009–86 has been rescinded, the legislation currently in effect, Decree 036–82 and Ministerial Resolution No. 054–82–TC/AC ("M.R. 054"), depending on the GOP's implementation thereof, might have essentially the same effects on access to the Trade as Decree 009–86. They state that, "[i]n that event, it would be the view of the Executive Agencies that there were no basis upon which to reconsider the Final Rule or to stay its March 7, 1988, effective date."

The Executive Agencies submit that they are unable at this time to provide the Commission with a fully informed view concerning the GOP's implementation of Decree 036–82. They advise that they are arranging for consultations with the GOP, at the GOP's request, which should be concluded prior to the March 7 effective date of the Final Rule. During these consultations the Executive Agencies expect to obtain clarification regarding certain aspects of the operation of Decree 036–82. The Executive Agencies advise that after consultations with the Peruvians, they expect to be able to provide the Commission with a fully considered recommendation regarding the outcome of this proceeding.

b. *CMA.* CMA maintains that Petitioners have failed to justify the relief sought.[13] CMA asserts that Petitioners have provided no indication or assurance that the rescission of Decreee 009–86 will enable non-Peruvian-flag carriers to compete freely in the Trade. Thus CMA opposes Petitioners' request for reconsideration or stay. However, it does not oppose a short extension of the compliance deadline for tariff suspension, if such an extension were based on GOP assurances that it needed more time to comply with the Final Rule, *i.e.*, remove all restrictions on non-Peruvian-flag carrier access to the Trade.

c. *SCOT.* SCOT notes that Petitioners have provided no indication that unfavorable conditions in the Trade will be corrected with the rescission of Decree 009–86. SCOT also points out that Petitioners do not clarify whether waivers and cargo manifest certifications will continue to be required and third-flag carriers will be permitted to reenter the Trade promptly. Unless these unfavorable conditions are removed, SCOT asserts that there is no basis for reconsideration or stay of the Final Rule. Should the GOP provide the USG with assurances that it will remove these unfavorable conditions promptly, SCOT opines that "a stay of preferably 30 days or, at the most, 60 days might be acceptable."

d. *GLTL.* In view of the continued existence of cargo manifest certification and waiver requirements under Decree 036–82, GLTL contends that the rescission of Decree 009–86 has not opened the Trade. GLTL urges the Commission to reaffirm its Final Rule. It opposes any stay of the Final Rule unless assurances are received from the GOP that GLTL will be able to continue service in the Trade without applying for cargo manifest certificates or waivers and without fear of fines.

e. *CSAV.* CSAV contends that the grounds stated by Petitioners are not adequate to support the relief requested. It is CSAV's position that the rescission of Decree 009–86 falls short of meeting the Commission's requirement in its Final Rule that Peruvian carriers must provide evidence that no GOP law, regulation or policy will hinder free access to the Trade. CSAV notes that Petitioners do not state that all barriers to third-flag carrier access have been removed. Given the requirements under Decree 036–82, CSAV maintains that, for all practical purposes, Chilean-flag carriers would be prevented from carrying cargo in the Trade. CSAV submits that the Petition should be denied because unfavorable conditions to shipping continue to exist.

f. *The Government of Chile ("GOC").* The GOC submitted separate comments on the rescission of Decree 009–86 and Peruvian Resolution 044–86, which had as of September 1986, excluded Chilean-flag carriers from participating in certain Peru/third-country trades. With regard to the rescission of Decree 009–86, the GOC states that the legal regime in Peru applicable prior to the implementation of Decree 009–86 was that establishment by Decree 036–82 and M.R. 054. The GOC maintains that under this legislation foreign-flag vessels are required to obtain cargo manifest certification to carry Peruvian import cargoes and waivers for export cargoes should there be no Peruvian-flag vessels available within 15 days following the embarkation date. The GOC advises that these requirements do not apply to foreign-flag associate carriers.

The GOC maintains that Decree 036–82, when enacted in 1982, restricted access of foreign-flag carriers to Peruvian cargoes. It is explained that in April 1983, in an effort to resolve this problem, the GOC and GOP signed an "Accord" to provide Chilean and Peruvian-flag carriers free access to cargoes generated by the two countries' foreign trade. The GOC contends that this Accord was unilaterally invalidated by the GOP on June 18, 1986; as a result, Chilean-flag carriers were no longer granted free access to Peruvian cargoes. The GOC advises, however, that Peruvian-flag vessels have free access to Chilean cargoes.[14]

g. *CCT.* CCT fully supports the Petition. It advises that it has not experienced any operating difficulties in the Trade,[15] and, thus, urges the Commission to grant the relief requested by Petitioners.

h. *Lykes.* Lykes supports the Petition and requests that it be granted by the Commission. It is Lykes' position that because complaints were filed with the Commission due to the enactment, implementation and enforcement of Decree 009–86, the rescission of the Decree raises questions about the original basis for the Final Rule and has changed the factual underpinnings for the Rule enough to require the Commission to reconsider it in view of those changes. Further, Lykes believes that reconsideration is required because the implementation of the Final Rule would potentially disrupt the movement of cargo in the Trade.

[13] Along with arguing the merits of the Petition, CMA, with certain other commentators, notes that the Petition was filed in an untimely manner pursuant to 46 CFR 502.261.

[14] In separate comments regarding the suspension on January 16, 1988, of Peruvian Resolution 044–86, the GOC takes the position that this suspension does not resolve the problem of access by Chilean-flag carriers to Peruvian cargoes. The GOC maintains that while Chilean-flag carriers would not be excluded specifically from the Trade as they had been under the Peruvian Resolution 044–86, they would continue to be subject to the restrictions contained in Decree 009–86. This comment appears to have been written and transmitted to the Chilean Embassy in the U.S. prior to the rescission of Decree 009–86.

Further, the GOC contends that the rescission of Peruvian Resolution 044–86 was in response to the GOC's March 1987 suspension of Resolution No. 2, which had excluded Peruvian-flag vessels from Chilean trade with the third countries. In defense of Chilean Resolution 2, the GOC submits that it was enacted on August 6, 1986, in response to Decree 009–86.

[15] CCT and Lykes are members of the U.S./Peru Equal Access Agreement, FMC Agreement No. 204–010986, thereby making them associate carriers.

B. Santa Petition

Santa requests that the Commission reconsider and amend its Final Rule to eliminate Santa from its scope and, thus, from the sanctions it would impose. It is Santa's position that because the focal point of the proceeding is Decree 009–86 and the alleged inadequate service of CPV, the Peruvian state-owned carrier and main beneficiary of Decree 009–86, the remedy of the Final Rule is unnecessarily broad and contrary to shipping interests in the U.S. trade. Santa contends that because Decree 009–86 reflects the special interest of the GOP and CPV, and Santa did not request the adoption of the Decree, a narrower remedy which excludes Santa, a privately-owned carrier, would satisfy the aims of the Commission.

Santa maintains that excepting it from the Final Rule will serve U.S. shipping interests and promote an atmosphere more conducive to resolving this matter through diplomatic channels. Further, Santa believes that such action would increase the likelihood of a reciprocally tempered response to the Final Rule from the GOP, *i.e.*, something less than the total exclusion of U.S.-flag carriers from the Trade.

In reply, CSAV requests that the Commission deny the Santa Petition. It contends that Santa has given no relevant reason why it should be excluded from the scope of the Final Rule. CSAV advises that in past submissions from Santa, it has been supportive of the GOP cargo preference restrictions under which it has been able to increase its market share in the Trade through the exclusion of third-flag carriers. It is CSAV's position that the Commission's Final Rule is no more severe than necessary to meet the requirements of U.S. law and policy which protect the rights of shippers to select the carrier of their choice. CSAV believes that if the Commission were to modify its section 19 actions because of potential retaliation by another government, it could never use section 19 in an effective manner.

Discussion

A. Petition for Reconsideration or Stay

The comments on the Petition for Reconsideration or Stay reflect a great degree of uncertainty as to the precise nature and operating characteristics of the shipping regime which will regulate traffic between the U.S. and Peru following the rescission of Decree 009–86. The actual effect of the rescission of Decree 009–86 on non-Peruvian-flag carriers' access to the Trade is largely unknown at this time. Most commentators express uncertainty as to the effects of rescission of Decree 009–86, or disbelief that its repeal will have any practical effect on access for third-flag carriers, such as CSAV.

The U.S.-flag carriers, Lykes and CCT, support the Petition, urging that the Commission reconsider the Final Rule and grant the relief requested by Petitioners. The Petition also requests that the Commission terminate this proceeding. Without regard to our action on the Final Rule itself, we are disinclined to terminate this proceeding before the situation in the Trade is clarified and some stable basis for participation of all carriers has been reached.

CSAV and the GOC suggest that rescission of Decree 009–86 will have no practical effect in terms of third-flag carrier access to the Trade, and therefore ask the Commission to permit the Rule to go into effect. GLTL is similarly pessimistic, and urges the Commission to reconsider and reaffirm the Final Rule. We believe these views may unreasonably minimize the GOP action.

The Executive Agencies express skepticism as to the ultimate effects of the recission of Decree 009–86 on the Trade, but suggest only that the Commission await notification by the Executive Agencies of the outcome of talks with the GOP to be held before March 7, 1988. This does not appear to us to be practical in view of the imminent effective date of tariff suspension under the Final Rule.

The remaining commentators, SCOT and CMA, indicate, in effect, that some recognition of the possible ameliorative effects of rescission of Decree 009–86 is appropriate. SCOT and CMA do not concede that the GOP action materially affects the unfavorable conditions found by the Commission, arguing that the Petition contains no grounds for either form of relief requested.[16] They nevertheless suggest that the Commission extend for a short period (30 to 60 days says SCOT), the date on which tariffs would be suspended under the Final Rule, but only upon the receipt of assurances from the GOP that the unfavorable conditions will be promptly removed.

The Commission first expressed its concern that conditions unfavorable to shipping appeared to exist in the Trade in April, 1986. This proceeding followed a period in which the various affected parties, including the GOP and the Executive Agencies of the United States, held discussions, reached agreements and understandings, and attempted to find some mutually acceptable basis for third-flag carrier participation in the Trade. At least until the latest GOP action, the numerous actions and assurances undertaken by the GOP during the past two years, notwithstanding the Executive Agencies' efforts and the Commission's forbearance, have not appreciably improved third-flag carriers' access or the burdens imposed on U.S. shippers by the decrees.

Events occurring since service of the Final Rule on December 2, 1987, have created a situation in flux, with great current uncertainty as to what the ultimate outcome of the new GOP initiatives will be. Because the Final Rule becomes fully effective on March 7, 1988, by suspending the tariffs of Peruvian-flag carriers, some action by the Commission is necessary to recognize the changed status of the issues brought about by the GOP's recent action and to avoid undue disruption of the Trade.

Initially, and as a technical legal matter, the rescission of Decree 009–86 and Resolution 044–86 appears to have undermined the basis cited in the Final Rule for the Commission's findings of conditions unfavorable to shipping in the Trade. At a minimum, some changes in the Final Rule, particularly in regard to references to Decree 009–86 in the certificate required under 46 CFR 586.1(b),[17] would appear necessary as a result of the rescission.

Possible technical adjustments in the Final Rule aside, however, the repeal of Decree 009–86, its implementing regulations, and Resolution 044–86, appears to be a dramatic and significant action. We note also that a Commission to re-examine Peruvian maritime policy was appointed in connection with the rescission of Decree 009–86. These actions by the GOP appear to reflect a serious commitment to resolve the problems in our maritime trade which were identified in this proceeding. We recognize, however, that rescission alone may not resolve the unfavorable conditions which the Final Rule addressed.

[16] CMA and other commentators opposed to the Petition also raised a procedural argument against granting reconsideration. They note that the Commission's Rules of Practice and Procedure, at 46 CFR 502.261, provide that requests for reconsideration of a Commission decision must be filed within 30 days of service of the order effecting that decision, and argue that the Petition is therefore untimely. Inasmuch as the GOP action rescinding these decrees occurred more than 30 days after service of the Final Rule, the Petitioners' failure to comply with this aspect of the Commission's rules appears reasonable. The Commission may, in any event, waive application of its Rules of Practice and Procedure.

[17] See footnote 10, *supra*.

In promulgating the Final Rule, the Commission consistently alluded to the detrimental effects of the waiver system implemented under Decree 009–86 as the basis for its original concern that conditions unfavorable to shipping might exist, as well as our determination that the "authorization" system which replaced the waiver system following conclusion of the MOU was not a material improvement in the inherently discriminatory system. If the discriminatory nature of the existing trade conditions remains in the absence of Decree 009–86, the Commission is prepared to act swiftly to reinstate the Final Rule on the basis of new findings that conditions unfavorable to shipping continue to exist because of continued exclusion of the Chilean or other third-flag carriers and compliance burdens placed on U.S. shippers and trade interests. Withdrawal of the Final Rule accompanied by termination of this proceeding, therefore, does not appear to be an appropriate Commission response in view of the totally unknown nature of the practical effects of the rescission of these enactments.

The Commission has determined not to grant Petitioners' request for a stay, but herein grants the request for reconsideration, withdrawing the Final Rule to await clarification of the GOP legal regime which will govern the Trade at present and the nature of the scheme which the GOP intends to put in place for the future. In order to accommodate further action on this matter, the proceeding will continue and to that end the Commission also requests further information from any interested party by March 31, 1988, including the Executive Agencies, carriers and shipper organizations who previously filed comments.

B. Santa Petition

No basis appears to exist for granting the Santa Petition on its merits. Although Santa may not have requested passage of the cargo preference decrees by the GOP, as it states, the preferences established by those decrees were intended to and did benefit *all* Peruvian-flag carriers directly by increasing their share of the market at the expense of their third-flag competitors. Neither Decree 009–86 nor Resolution 044–86 distinguished between state-owned and privately-owned carriers. Decree 009–86 imposed a waiver system on all non-Peruvian-flag carriers (except those which obtained "associate status" through agreements with Peruvian-flag carriers) without regard to the private or public nature of their owners. Similarly, Resolution 044–86 banned service by Chilean-flag carriers without regard to their ownership.

In its petition, Santa states that it previously had financial and management problems but began regular service in April 1986, under new management. Santa further states that its market share for the January 1986–July 1987 period was 25 percent. Santa's ability to garner such a large proportion of the Trade during this period suggests that its position was aided by the existence of the GOP decrees. In any event, Santa appears to have been a significant beneficiary of these decrees. The Santa Petition is, therefore, denied.

Therefore, pursuant to section 19(1)(b) of the Merchant Marine Act, 1920, 46 U.S.C. app. 876(1)(b), Reorganization Plan No. 7 of 1961, 75 Stat. 840, and 46 CFR Part 585, Part 586 of Title 46, Subchapter D of the Code of Federal Regulations, published at 52 FR 46362, December 7, 1987 is withdrawn for reconsideration. Interested parties are invited to submit comments, views and information on or before March 31, 1988, concerning whether the unfavorable conditions previously found in this proceeding continue to exist, whether other conditions unfavorable to shipping in the U.S. foreign trade with Peru now exist, and what action should be taken with respect to the Final Rule.

By the Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 88–5009 Filed 3–7–88; 8:45 am]

BILLING CODE 6730–01–M

GENERAL SERVICES ADMINISTRATION

48 CFR Parts 501, 532, and 552

[Acquisition Circular AC–88–1]

Prompt Payment and Ratification of Unauthorized Commitments

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Temporary rule.

SUMMARY: This Acquisition Circular temporarily amends Parts 501, 532 and 552 of the General Services Administration Acquisition Regulation (GSAR), Chapter 5, to implement and supplement the Federal Acquisition Regulation (FAR) requirements on the ratification of unauthorized commitments; to add material to prescribe constructive acceptance or approval periods for recurring building services, supplies and other nonpersonal services, construction, architect-engineer and other professional services; to add and prescribe a Payments by Electronic Funds Transfer clause for use in solicitations and contracts when payments may be made by GSA and other agencies; to add and prescribe a Prompt Payment clause for acquisitions of leasehold interests in real property; and to make other miscellaneous changes for clarity. The intended effect is to implement FAR (FAC–84–33) and to provide guidance to GSA contracting activities pending a permanent revision to the regulation.

DATES:

Effective Date: March 8, 1988.

Expiration Date: March 7, 1989.

FOR FURTHER INFORMATION CONTACT: Ms. Shirley Scott, Office of GSA Acquisition Policy and Regulations (VP), (202) 523–4765.

SUPPLEMENTARY INFORMATION: This rule was not published in the **Federal Register** for public comment because it merely implements and supplements a higher level issuance that was previously published for public comment. The Director, Office of Management and Budget (OMB), by memorandum dated December 14, 1984, exempted certain agency procurement regulations from Executive Order 12291. The exemption applies to this rule. The General Services Administration (GSA) certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The rule simply implements and supplements the FAR and OMB Circular A–125 requirements regarding the Prompt Payment Act. Accordingly, no regulatory flexibility analysis has been prepared. The rule does not contain any additional information collection requirements beyond those already imposed by OMB which require the approval of OMB under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) The information collection regarding electronic funds transfers was approved by OMB pursuant to a request from the Department of the Treasury. OMB Control No. 1510–0056 was assigned to this information collection.

List of Subjects in 48 CFR Parts 501, 532 and 552

Government procurement.

1. The authority citation for 48 CFR Parts 501, 532 and 552 continues to read as follows:

Authority: 40 U.S.C. 486(c).

2. 48 CFR Parts 501, 532 and 552 are amended by the following Acquisition Circular:

General Services Administration Acquisition Regulation Acquisition Circular (AC–88–1)

To: All GSA contracting activities.
Subject: Implementation of Federal Acquisition Circular (FAC) 84–33.

1. *Purpose.* This Acquisition Circular temporarily amends the General Services Administration Acquisition Regulation (GSAR) Chapter 5, (APD 2800.12) to implement and supplement the Federal Acquisition Regulation (FAR) as amended by FAC 84–33.

2. *Background.* The Federal Acquisition Regulation (FAR) was amended by FAC 84–33 to implement Office of Management and Budget (OMB) Circular A–125, "Prompt Payment." FAC 84–33 also amended the FAR to provide policy and procedures on ratification of unauthorized commitments. This Acquisition Circular amends the GSAR as necessary to conform to the FAR as amended by FAC 84–33.

3. *Effective date.* March 8, 1988. All solicitations issued on or after March 8, 1988, shall include the clauses prescribed by this Circular.

4. *Expiration date.* This Acquisition Circular expires March 7, 1989, unless canceled earlier.

5. *Reference to regulation.* Sections 501.675, 501.675–1, 501.675–2, 501.675–3, 532.111, 552.232–70, 552.232–71, 552.232–72, and 552.232–73 of the General Services Administration Acquisition Regulation.

6. *Explanation of changes.*

a. Section 501.602–3 is added to read as follows:

50.1.602–3 Ratification of unauthorized commitments.

(a) *Authority.* Subject to the limitations and in accordance with the procedures prescribed in FAR 1.602–3, contracting officers may ratify contractual commitments made by employees who do not have the requisite authority to enter into contracts on the Government's behalf if the head of the contracting activity (HCA) has approved the ratification action. The authority to approve ratification actions may not be redelegated.

(b) *Procedures.* (1) Generally, the Government is not bound by agreements or contractual commitments made by persons to whom contracting authority has not been delegated. Such unauthorized acts may be in violation of the Federal Property and Administrative Services Act, other Federal laws, the FAR, the GSAR, and good acquisition practice. Therefore, such unauthorized contractual commitments should be considered as serious employee misconduct and consideration given to initiating disciplinary action. In any instances where suspected irregularities may involve fraud against the Government, or any type of misconduct which might be punishable as a criminal offense, either the employee's supervisor or the contracting officer should immediately report the matter to the Office of the Inspector General with a request for a complete investigation.

(2) The individual who made the unauthorized commitment shall furnish the appropriate contracting director all records and documents concerning the commitment and a complete written statement of facts, including, but not limited to, a statement as to why normal acquisition procedures were not followed, why the contractor was selected and a list of other sources considered, description of work or products, estimated or agreed contract price, citation of appropriation available, and a statement regarding the status of the performance. Under exceptional circumstances, such as when the person who made the unauthorized commitment is no longer available to attest to the circumstances of the unauthorized commitment, the contracting director may waive the requirement that the responsible employee initiate and document the request for ratification, provided that a written determination is made stating that a commitment was in fact made by an employee who shall be identified in the determination.

(3) The appropriate contracting director will assign the request for ratification action to an individual contracting officer for processing. The contracting officer assigned the action will be responsible for preparing a summary statement of facts addressing the limitations in FAR 1.602–3(c) and making a recommendation as to whether the transaction should be ratified and stating the reasons therefore. Advice against ratification should include a recommendation for other appropriate disposition. When ratification is not permissible due to legal improprieties in the procurement, the contracting officer may recommend that payment be made for services rendered on a quantum merit basis (the reasonable value of work or labor) or for goods furnished on a quantum valebant basis (the reasonable value of goods sold and delivered) provided there is a showing that the Government has received a benefit. (See also FAR 1.602–3(d)).

(4) The request for ratification, the information required by paragraph (b)(3) above, and a recommendation for corrective action to preclude recurrence, must be forwarded, through appropriate channels, to the HCA for consideration.

(5) The HCA, upon receipt and review of the complete file, may approve the ratification if determined to be in the Government's best interest, or direct other disposition as appropriate. Acquisitions which have been approved for ratification shall be forwarded to the appropriate contracting officer for issuance of the necessary contractural documents. If the request for ratification is not justified, the HCA shall return the request without approval and provide an explanation for the decision not to approve ratification.

(6) Each HCA shall maintain a separate file containing a copy of each request for approval to ratify an unauthorized commitment. This file shall be made available for review by the Office of Acquisition Policy and the Inspector General.

b. Sections 501.675, 501.675–1, 501.675–2 and 501.675–3 are deleted.

c. Section 532.111 is amended by revising paragraphs (b) and (c) to read as follows:

532.111 Contract clauses.

* * * * *

(b) *Adjusting payments.* The contracting officer shall insert the clause at 552.232–78, Adjusting Payments, in all solicitations and contracts for recurring building services expected to exceed the small purchase limitation.

(c) *Final payment.* The contracting officer shall insert the clause at 552.232–79, Final Payment, in all solicitations and contracts for recurring building services expected to exceed the small purchase limitation.

* * * * *

d. Section 532.904 is added to read as follows:

532.904 Payment due date.

The time specified by the contracting officer for constructive acceptance or approval in subparagraph (a)(6)(i) of FAR basic clause 52.232–25, Prompt Payment, or subparagraph (a)(5)(i) of Alternate I shall usually be 1 day for recurring building services, 5 days for supplies and other nonpersonal services or 30 days for construction, architect-engineer and other professional or technical services, unless some other number of days is justified in the contract file.

e. Section 532.908 is added to read as follows:

532.908 Contract clause.

(a) The Contracting Officer shall insert the clause at 552.232–70 in solicitations and contracts when

payments may be made by GSA and other agencies. (e.g. multiple award schedule contracts).

(b) The contracting officer shall insert the clause at 552.232–71 in solicitations and contracts for the acquisition of leasehold interests in real property. Contracting officers shall use Alternate I instead of the basic clause if the lease contract will contain provisions for ordering alterations or overtime utility services. If payment may be made by electronic funds transfer, the contracting officer shall use Alternate II with the basic clause or Alternate I.

f. Section 552.232–70 is revised to read as follows:

552.232–70 Payments by electronic funds transfer.

As prescribed in 532.908(a), insert the following clause:

Payments by Electronic Funds Transfer (Feb 1988)

The requirement that the Contractor submit, no later than 14 days before an invoice or financing request, a designation of a financial institution for receipt of electronic fund transfer payments in paragraph (c) of the clause entitled "Prompt Payment" at FAR 52.232–25 (Alternate II) does not apply to this contract. Instead, the Contractor is directed to submit its designation of a financial institution for receipt of electronic funds transfer payments as a part of, or as an attachment to, each invoice requesting payment of $25,000 or more (exclusive of any discount for prompt payment) unless the invoice is submitted to the Department of Defense, the United States Postal Service, or the Tennessee Valley Authority. Information required for electronic funds transfer payments shall be furnished to the Veterans Administration in accordance with special instructions provided by that agency. Other agencies and departments thereof may waive the requirement for designation of a financial institution for receipt of electronic fund transfer payments and for submission of information required to make such payments by including a notice on delivery orders or otherwise notifying the Contractor.

(End of Clause)

g. Section 552.232–71 is revised to read as follows:

552.232–71 Prompt payment.

As prescribed in 532.908(b) insert the following clause:

Prompt Payment (Feb 1988)

Notwithstanding any other payment clause in this contract, the Government will make payments under the terms and conditions specified in this clause. Payment shall be considered as being made on the day a check is dated or an electronic funds transfer is made.

(a) *Payment due date.*

The initial monthy rental payment under this contract shall become due on the first workday of the month following the month in which the lease or supplemental agreement establishing commencement of the lease term is executed, or the first workday of the month following the month in which the occupancy of space is effective, whichever is later. Subsequent rent shall be paid in arrears, and will be due on the first workday of each successive month, and only as provided for by the lease.

(b) *Interest Penalty.*

(1) An interest penalty shall be paid automatically by the Government, without request from the Contractor, if payment is not made within 15 days after the due date.

(2) The interest penalty shall be at the rate established by the Secretary of the Treasury under Section 12 of the Contract Disputes Act of 1978 (41 U.S.C. 611) that is in effect on the payment date. This rate is referred to as the "Renegotiation Board Interest Rate," and it is published in the**Federal Register** semiannually on or about January 1 and July 1. The interest penalty shall accrue daily on the payment amount approved by the Government and be compounded in 30 day increments inclusive from the first day after the due date through the payment date.

(3) Interest penalties will not continue to accrue after the filing of a claim for such penalties under the Disputes clause or for more than 1 year. Interest penalties of less than $1.00 need not be paid.

(4) Interest penalties are not required on payment delays due to disagreement between the Government and Contractor over the payment amount or other issues involving contract compliance or on amounts temporarily withheld or retained in accordance with the terms of the contract. Claims involving disputes, and any interest that may be payable, will be resolved in accordance with the Disputes clause.

(End of Clause)

Alternate I (Feb 1988)

If the lease contract will contain provisions for ordering alterations or overtime utility services, the text of paragraph (a) of the basic clause should be designated as subparagraph (1) and the following subparagraph (a)(2) and paragraph (b) should be added. Paragraph (b) of the basic clause should be redesignated (c).

(a) *Payment due date.*

(2) The due date for making payments for alterations or overtime utilities by the designated payment office shall be the later of the following two events:

(i) The 30th day after the designated billing office has received a proper invoice from the Contractor.

(ii) The 30th day after acceptance of the service.

(b) *Invoice and inspection requirements for alterations and overtime utilities.*

(1) An invoice shall be prepared and submitted to the designated billing office specified in the contract. A proper invoice must include the items listed in subparagraphs (b)(1) (i) through (vii) of this clause. If the invoice does not comply with these requirements, then the Contractor will be notified of the defect within 15 days after receipt of the invoice at the designated billing office. Untimely notifications will be taken into account in the computation of any interest penalty owed the Contractor.

(i) Name and adddress of the Contractor.

(ii) Invoice date.

(iii) Lease number.

(iv) Order number or other authorization for delivery of services.

(v) Description, price, and quantity of property or services actually delivered.

(vi) Name and address of Contractor official to whom payment is to be sent (must be the same as that in the remittance address in the lease or the order).

(vii) Name (where practicable), title, phone number and mailing address of person to be notified in the event of a defective invoice.

(2) The Government agrees to inspect and determine the acceptability of alterations performed or services rendered within 10 calendar days after the date of completion of alterations or performance of services unless a different period is specified for inspection at the time the order is placed. If actual acceptance occurs later, for the purpose of determining the payment due date and calculation of interest, acceptance will be deemed to occur on the last day of the above stated inspection period. However, the Contractor is not entitled to payment of contract amounts or interest unless and until actual acceptance by the Government occurs.

(End of Clause)

Alternate II (FEB 1988)

If payment may be made by electronic funds transfer, add the following paragraph (c) to the basic clause. When Alternate I is used this paragraph should be designated (d).

(c) *Electronic funds transfer.* Payments under this contract will be made by the Government either by check or electronic funds transfer (through the Treasury Financial Communications System (TFCS) or the Automated Clearing House (ACH), at the option of the Government. Not later than 14 calendar days after receipt of a notice of award or request from the Contracting Officer or other Government official, the Contractor shall provide information necessary for check payment and/or designate a financial institution for receipt of electronic funds transfer payments. The Contractor shall submit this information to the Contracting Officer or other Government official, as directed.

(1) For payment by check, the Contractor shall provide the full name (where practicable), title, phone number, and complete mailing address of the responsible official(s) to whom check payments are to be sent.

(2) For payment through TFCS, the Contractor shall provide the following information:

(i) Name, address, and telegraphic abbreviation of the financial institution receiving payment.

(ii) The American Bankers Association 9-digit identifying number of the financing institution receiving payment if the institution has access to the Federal Reserve Communications System.

(iii) Payee's account number at the financial institution where funds are to be transferred.

(iv) If the financial institution does not have access to the Federal Reserve Communications System, name, address, and telegraphic abbreviation of the correspondent financial institution through which the financial institution receiving payment obtains electronic funds transfer messages. Provide the telegraphic abbreviation and American Bankers Association identifying number used for TFCS).

(3) For payment through ACH, the Contractor shall provide the following information:

(i) Routing transit number of the financial institution receiving payment (same as American Bankers Association identifying number used for TFCS).

(ii) Number of account to which funds are to be deposited.

(iii) Type of depositor account ("C" for checking, "S" for savings).

(iv) If the Contractor is a new enrollee to the ACH system, a "Payment Information Form," TFS 3881, must be completed before payment can be processed.

(4) In the event the Contractor, during the performance of this contract, elects to designate a different financial institution for the receipt of any payment made using electronic funds transfer procedures, notification of such change and the required information specified above must be received by the appropriate Government official 30 days prior to the date such change is to become effective.

(5) The document furnishing the information required in this paragraph (c) must be dated and contain the signature, title, and telephone number of the Contractor official authorized to provide it, as well as the Contractor's name and contract number.

(6) Contractor failure to properly designate a financial institution or to provide appropriate payee bank account information may delay payments of amount otherwise properly due.

(End of Clause)

552.232-72 and 552.232-73 [Removed and Reserved]

h. The current text of sections 552.232-72 and 552.232-73 is removed and the sections are reserved.

Patricia A. Szervo,

Associate Administrator for Acquisition Policy.

[FR Doc. 88-4965 Filed 3-7-88; 8:45 am]

BILLING CODE 6820-61-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 653

[Docket No. 71279-7279]

Red Drum Fishery of the Gulf of Mexico; Extension of Effective Date

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Emergency interim rule; extension of effective date.

SUMMARY: An emergency interim rule that reduced the current annual recreational and commercial catch allowances of red drum to zero in the Gulf of Mexico exclusive economic zone (EEZ) is in effect through March 30, 1988. The Secretary of Commerce (Secretary) extends the emergency interim rule for an additional 90 days (through June 28, 1988) to allow the Gulf of Mexico Fishery Management Council (Council) sufficient time to prepare an amendment to the Fishery Management Plan for the Red Drum Fishery of the Gulf of Mexico (FMP) that would continue these zero catch allowances. The intent of this rule is to protect the red drum spawning stock in the EEZ from exploitation until the FMP amendment is implemented.

EFFECTIVE DATE: This rule is effective 0001 hours, local time, March 31, 1988, through 2400 hours, local time, June 28, 1988.

ADDRESS: Copies of documents supporting this action may be obtained from William R. Turner, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, FL 33702.

FOR FURTHER INFORMATION CONTACT: William R. Turner, 813-893-3722.

SUPPLEMENTARY INFORMATION: Under section 305(e)(2)(B) of the Magnuson Fishery Conservation and Management Act, the Secretary promulgated an interim emergency rule (53 FR 244, January 6, 1988) effective for 90 days, January 1 through March 30, 1988, in response to an emergency situation in the red drum fishery. The Secretary extends the emergency interim rule for an additional 90 days in accordance with section 305(e)(3)(B) of the Magnuson Act because conditions justifying the emergency action remain unchanged. The 90-day extension will prevent the resumption of red drum harvest in the EEZ.

The initial emergency interim rule prohibited the harvest or possession of red drum in the EEZ of the Gulf of Mexico based on the most recent scientific stock assessment, which indicated that an emergency situation existed regarding the red drum resource. The assessment concluded that red drum less than 12 years of age were poorly represented in the offshore population, and that continued harvest of adults would further reduce the spawning stock and increase the risk of collapse of this fishery.

The Council, at its meeting during the week of January 25, 1988, noted that there is no short-term solution to the resource conditions that exist and recommended that the emergency rule be extended for an additional 90 days. The Secretary reviewed this recommendation and concluded that this extension is consistent with provisions of the Magnuson Act, and will afford protection to the red drum resource while the Council proceeds with an FMP amendment that will continue the zero catch allowances until such time as the FMP objectives are obtained. A detailed discussion of the background, present situation, and classification of the rulemaking is set forth in the initial emergency interim rule and is not repeated here.

All provisions of the emergency interim rule remain effective through June 28, 1988.

This extension of the emergency interim rule is exempt from the usual review procedures of Executive Order 12291 as provided for in section 8(a)(1) of that order. The action is being reported to the Director, Office of Management and Budget, with an explanation of why it is not possible to follow the procedures of that Order.

List of Subjects in 50 CFR Part 653

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: March 2, 1988.

James E. Douglas, Jr.,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 88-4977 Filed 3-7-88; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 53, No. 45
Tuesday, March 8, 1988

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 946

Washington Potatoes; Expenses and Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would authorize expenditures and establish an assessment rate under Marketing Order 946 for the 1988–89 fiscal period. Funds to administer this program are derived from assessments on handlers.

DATE: Comments must be received by March 18, 1988.

ADDRESS: Interested persons are invited to submit written comments concerning this proposal. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2085–S, Washington, DC 20090–6456. Comments should reference the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Todd A. Delello, Marketing Order Administation Branch, Fruit and Vegetable Division, AMS, USDA, P.,O. Box 96456, Room 2525–S, Washington, DC 20090–6456, telephone 202–475–5610.

SUPPLEMENTARY INFORMATION: This rule is proposed under Marketing Order No. 946 (7 CFR Part 946) regulating the handling of potatoes grown in the State of Washington. This order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the Act.

This proposed rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512–1 and has been determined to be a "non-major" rule under criteria contained therein.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this proposed rule on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 50 handlers of Washington potatoes under this marketing order, and approximately 360 Washington potato producers. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.2) as those having annual gross revneues for the last three years of less than $500,000, and small agricultural service firms are defined as those whose gross annual receipts are less than $3,500,000. The majority of the handlers and producers may be classified as small entities.

The marketing order requires that the assessment rate for particular fiscal period shall apply to all assessable potatoes handled from the beginning of such period. An annual budget of expenses is prepared by the committee and submitted to the Department of Agriculture for approval. The members of the committee are handlers and producers of potatoes. They are familiar with the committee's needs and with the costs for goods, services, and personnel in their local area and are thus in a position to formulate an appropriate budget. The budget was formulated and dicsussed in a public meeting. Thus, all directly affected persons have had an opportunity to participate and provide input.

The assessment rate recommended by the committee is derived by dividing anticipated expenses by expected shipments of potatoes. Because that rate is applied to actual shipments, it must be established at a rate which will produce sufficient income to pay the committee's expected expenses. A recommended budget and rate of assessment is usually acted upon by the committee before the season starts, and expenses are incurred on a continuous basis. Therefore, budget and assessment rate approval must be expedited so that the committee will have funds to pay its expenses.

The State of Washington Potato Committee met on February 10, 1988, and unanimously recommended a budget for the 1988–89 fiscal period of $33,000, and an assessment rate of $.004 per hundredweight of potatoes. This compares to the 1987–88 budget of $29,400 and an assessment rate of $.002 per hundredweight of potatoes. The proposed budget is $3,600 more than last year's, reflecting an increase of $1,000 in committee expenses and $2,600 in compliance audits. All other budget categories remain the same. The assessment rate since the 1983–84 fiscal period has been $.002. This rate was set to reduce what was considered an undesirably high reserve amount. Believing this this goal has been met, the 1988–89 recommended assessment rate is double the rate of the previous fiscal period in order to maintain an adequate reserve amount and meet new added expenses. Anticipated fresh market shipments of eight million hundredweight will yield $32,000. This, along with $1,000 from the reserve, will be adequate for budgeted expenses. Reserves are expected to amount to $18,000 at the end of the 1987–88 fiscal period and will be carried over into the next fiscal period.

While this proposed action would impose some additional costs on handlers, the costs are in the form of uniform assessments on all handlers. Some of the additional costs may be passed on to producers. However, these costs would be significantly offset by the benefits derived from the operation of the marketing order. Therefore, the Administrator of AMS had determined that this action would not have a significant economic impact on a substantial number of small entities.

Based on the foregoing, it is found and determined that a comment period of less than 30 days is appropriate because the budget and assessment rate approval for this program needs to be expedited. The committee needs to have sufficient funds to pay its expenses which are incurred on a continuous basis.

List of Subjects in 7 CFR Part 946

Marketing agreements and orders, Potatoes (Washington).

For the reasons set forth in the preamble, it is proposed that § 946.241 be added (the following section prescribes annual expenses and assessment rate and will not be published in the Code of Federal Regulations):

PART 946—POTATOES GROWN IN STATE OF WASHINGTON

1. The authority citation for 7 CFR Part 946 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

2. A new § 946.241 is added to read as follows:

§ 946.241 Expenses and assessment rate.

Expenses of $33,000 by the State of Washington Potato Committee are authorized, and an assessment rate of $.004 per hundredweight of assessable potatoes is established for the fiscal period ending June 30, 1989. Unexpended funds may be carried over as a reserve.

Dated: March 3, 1988.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 88–4968 Filed 3–7–88; 8:45 am]

BILLING CODE 3410-02-M

Commodity Credit Corporation

7 CFR Part 1425

Cooperative Marketing Associations; Eligibility Requirements for Price Support

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commodity Credit Corporation (CCC) is proposing to amend the regulations governing cooperative marketing associations in order to: (1) Allow producers to place commodities in a pool of eligible commodities which may then be pledged by a cooperative as collateral for a CCC price support loan without the cooperative being required to distribute the loan proceeds within 15 days of their receipt if the commodities are redeemed within 15 days of such date; and (2) delete a repetitive provision found at 7 CFR 1425.19. The proposed amendment provides members of cooperative marketing associations the same marketing flexibility as individual producers.

DATE: Written comments must be received on or before April 6, 1988, in order to be assured of consideration.

ADDRESS: Send comments to Director, Cotton, Grain, and Rice Price Support Division, ASCS, U.S. Department of Agriculture, P.O. Box 2415, Washington, DC 20013.

FOR FURTHER INFORMATION CONTACT: Richard M. Ackley, Head, Cooperative & Analysis Section, Price Support Branch, Cotton, Grain, and Rice Price Support Division, ASCS, U.S. Department of Agriculture, P.O. Box 2415, Washington, DC 20013, (202) 447–6685.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed under U.S. Department of Agriculture (USDA) procedures established in accordance with provisions of Departmental Memorandum 1512–1 and Executive Order 12291, and has been classified "not major". It has been determined that these program provisions will not result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local governments or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

It has been determined that the Regulatory Flexibility Act is not applicable to this proposed rule since CCC is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

It has been determined by an environmental evaluation that this action will have no significant impact on the quality of the human environment. Therefore, no environment assessment or Environmental Impact Statement is needed.

The title and number of the Federal assistance program to which this proposed rule applies are: Title—Commodity Loans and Purchases: Number 10.051; as found in the Catalog of Federal Domestic Assistance. This program/activity is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR Part 3015, Subpart V, published at 48 FR 29115 (June 24, 1983).

The regulations governing the eligibility of cooperative marketing associations to receive price support loans and purchases from CCC are set forth at 7 CFR Part 1425. The regulations at 7 CFR 1425.16 provide that a pool of commodities shall be eligible to receive price support if certain conditions are met. The provisions at 7 CFR 1425.16(b)(1)(iii) currently provide that a cooperative must exclude commodities delivered by members for marketing from an eligible pool until the members delivering such commodities agree to accept an initial payment from the cooperative with respect to such commodities. The regulations at 7 CFR 1425.17 provide that net loan proceeds, less authorized charges, must be distributed to eligible pool members within 15 days from the receipt of such loan proceeds from CCC. Both these requirements were designed to ensure that price support loan proceeds are distributed to the cooperatives' producer members in a timely manner and not withheld by the cooperative in order to finance the cooperatives' general operations. Provisions of some CCC price support and production adjustment programs allow for the pledging of eligible commodities as collateral for CCC price support loans and for immediate redemption of the collateral at a lesser amount (i.e. marketing loans). Other provisions of these programs provide that individuals and entities which have outstanding CCC price support loans may, in accordance with 7 CFR Part 770, obtain the commodities which have been pledged as collateral for such loans through the use of CCC commodity certificates. In order to provide producers who receive price support through cooperative marketing associations greater flexibility in marketing their commodities, this proposed rule would amend 7 CFR 1425.16 and 1425.17 to allow a cooperative to pledge eligible commodities as collateral for a CCC price support loan without being required to disburse the loan proceeds within 15 days of their receipt if the commodities are redeemed within 15 days of such date.

The regulations at 7 CFR 1425.19(c) duplicate the regulations found at 7 CFR 1425.13(c). Accordingly, this proposed rule would delete the provisions of 7 CFR 1425.19(c).

Proposed Rule

Accordingly, 7 CFR Part 1425 is proposed to be amended as follows:

PART 1425—COOPERATIVE MARKETING ASSOCIATIONS

1. The authority citation for 7 CFR Part 1425 continues to read as follows:

Authority: Secs. 4, 5, and 12 of the Commodity Credit Corporation Charter Act,

as amended, 62 Stat. 1070, as amended, 1072, 1073 (15 U.S.C. 714b, 714c, and 714j); secs. 101, 201, 203, 301, and 401 of the Agricultural Act of 1949, as amended, 63 Stat. 1051, as amended, 1052, as amended, 70 Stat. 212, 63 Stat. 1053, as amended, 1054, as amended (7 U.S.C. 1444(a), 1441, 1446d, 1447, 1421(a)).

2. 7 CFR 1425.16(b)(1)(iii) is revised to read as follows:

§ 1425.16 Eligible commodity and pooling.

* * * * *

(b) *Eligible pool.* * * *

(iii) Except with respect to a quantity of a commodity pledged as collateral for a price support loan and which is redeemed within 15 days from the date the cooperative receives the proceeds from CCC, all of the commodity placed in such pool was delivered by members who have agreed to accept a payment of the initial advances made available to such producers by the cooperative with respect to such commodity in accordance with § 1425.17(a).

* * * * *

3. 7 CFR 1425.17(a)(1) is revised to read as follows:

§ 1425.17 Distribution of proceeds.

(a) *CCC loans and purchases.* (1) If CCC makes available price support loans or purchases with respect to any quantity of the eligible commodity in a pool, the proceeds from such loans or purchases shall be distributed to members participating in such pool on the basis of the quantity and quality of the commodity delivered by each member which is included in the pool less any authorized charges for services performed or paid by the cooperative which are necessary to condition the commodity or otherwise make the commodity eligible for price support. Except with respect to commodities which are pledged as collateral for a price support loan and which are redeemed within 15 days from the date the cooperative receives the loan proceeds from CCC, such proceeds shall be distributed within 15 days from such date.

* * * * *

§ 1425.19 [Amended]

4. 7 CFR 1425.19(c) is removed.

Signed at Washington, DC, on March 1, 1988.

Milton Hertz,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 88-4909 Filed 3-7-88; 8:45 am]

BILLING CODE 3410-05-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 87-NM-175-AD]

Airworthiness Directives; Avions Marcel Dassault-Brequet Aviation (AMD-BA) Model Fan Jet Falcon Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This notice proposes an airworthiness directive (AD), applicable to certain AMD-BA Model Fan Jet Falcon series airplanes, that would require modification of the main landing gear (MLG) release mechanism. This proposal is prompted by a report of jamming of the rear lock when the emergency manual control is operated. This condition, if not corrected, could result in failure of the MLG to extend.

DATE: Comments must be received no later than May 2, 1988.

ADDRESSES: Send comments on the proposal in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel (Attention: ANM-103), Attention: Airworthiness Rules Docket No. 87-NM-175-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. The applicable service information may be obtained from Falcon Jet Corporation, 77737 Terrace Avenue, Hasbrouck Heights, New Jersey 07604. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Huhn, Standardization Branch, ANM-113; telephone (206) 431-1967. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this Notice may be changed in light of the comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the FAA, Northwest Mountain Region, Office of the Regional Counsel (Attention: ANM-103), Attention: Airworthiness Rules Docket No. 87-NM-175-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

Discussion

The Direction Général de L'Aviation Civile (DGAC) of France, has, in accordance with existing provisions of a bilateral airworthiness agreement, notified the FAA of an unsafe condition which may exist or develop on certain AMD-BA Model Fan Jet Falcon series airplanes. There have been reports of jamming of the main landing gear (MLG) lateral door rear lock when the emergency manual control is operated. The synchronization of the front and rear locks of the MLG lateral doors is ensured by a teleforce cable. If this cable breaks, the rear lock may jam when the emergency manual control is operated, due to the control lever having moved downwards. This condition, if not corrected, could prevent the MLG from being extended by means of the emergency manual system.

AMD-BA has issued Fan Jet Falcon Service Bulletin FJF-32-45(502), Revision 1, dated May 27, 1987, which describes installation of a stop on the control lever to limit possible downward movement, after failure of the teleforce synchronization cable, and to prevent jamming of the rear lock. The DGAC has issued French Airworthiness Directive 87-077-018(B), dated May 27, 1987, which requires compliance with the AMD-BA service bulletin.

This airplane model is manfactured in France and type certificated in the United States under the provisions of § 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness agreement.

Since this condition is likely to exist or develop on airplanes of this model

registered in the United States, an AD is proposed that would require modification of the MLG lateral doors release mechanism, in accordance with the previously mentioned AMD-BA service bulletin.

It is estimated that 117 airplanes of U.S. registry would be affected by this AD, that it would take approximately 3 manhours per airplane to accomplish the required actions, and that the average labor cost would be $40 per manhour. Based on these figures, the total cost impact of this AD on U.S. operators is estimated to be $14,040.

For the reasons discussed above, the FAA has determined that this document (1) involves a proposed regulation which is not major under Executive Order 12291 and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities because of the minimal cost of compliance per airplane ($120). A copy of a draft regulatory evaluation prepared for this action is contained in the regulatory docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By adding the following new airworthiness directive:

Avions Marcel Dassault-Brequet Aviation (AMD-BA): Applies to Model Fan Jet Falcon series airplanes as listed in AMD-BA Service Bulletin FJF-32-45(502), Revision 1, dated May 27, 1987, certificated in any category. Compliance is required within 60 days after the effective date of this AD, unless previously accomplished.

To prevent the inability to extend the main landing gear (MLG) due to the lateral door rear lock jamming, accomplish the following:

A. Install a stop on each MLG lateral door rear lock in accordance with AMD-BA Fan Jet Falcon Service Bulletin FJF-32-45(502), Revision 1, dated May 27, 1987.

B. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety and which has the concurrence of an FAA Principal Maintenance Inspector, may be used when approved by the Manager, Standardization Branch, ANM-113, FAA, Northwest Mountain Region.

C. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to Falcon Jet Corporation, 77737 Terrace Avenue, Hasbrouck Heights, New Jersey 07604. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

Issued in Seattle, Washington, on February 26, 1988.

Frederick M. Isaac,

Acting Director, Northwest Mountain Region.

[FR Doc. 88-4949 Filed 3-7-88; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 87-NM-96-AD]

Airworthiness Directives; Boeing Model 757 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Withdrawal of notice of proposed rulemaking.

SUMMARY: This document withdraws a Notice of Proposed Rulemaking (NPRM), applicable to certain Boeing Model 757 series airplanes, which would have required inspection of the indicator switches in the wing and engine anti-ice control panel, replacement of the panel if certain switches are installed, and repetitive functional testing of the panel. That action was necessary to prevent an inoperative wing or engine anti-ice system with no annunciation to the flight crew. Since issuance of the NPRM, the FAA has issued additonal rulemaking to eliminate the potential for the unsafe condition addressed in the NPRM. Therefore, the NPRM is no longer necessary and should be withdrawn.

FOR FURTHER INFORMATION CONTACT: Mr. Henry A. Jenkins, Systems & Equipment Branch, ANM-130S; telephone (206) 431-1946. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations by adding a new airworthiness directive (AD), was published as a Notice of Proposed Rulemaking (NPRM) in the **Federal Register** on September 9, 1987 (52 FR 33947). The proposal would have required inspection of the indicator switches in the wing and engine anti-ice control panel, replacement of the panel if certain switches are installed, and repetitive functional testing of the panel on certain Boeing Model 757 series airplanes.

Since issuance of that proposal, the FAA issued AD 88-01-08, Amendment 39-5827 (53 FR 493; January 8, 1988), applicable to all Boeing Model 757 series airplanes, which requires repetitive functional testing of the wing and engine anti-ice control system. That action was prompted by additional reports of problems associated with the switches used in anti-ice control panels, and of the inadequacy fo the anti-ice circuit logic that can result in the flight crew not being warned that the anti-ice ice system has not been activated. The FAA has determined that the requirements of AD 88-01-08 effectively eliminate the potential for the unsafe condition addressed in the NPRM. Therefore, the NPRM is no longer necessary and is hereby withdrawn.

Withdrawal of this NPRM constitutes only such action, and does not preclude the agency from issuing another Notice in the future, or commit the agency to any course of action in the future.

Since this action only withdraws an NPRM, it is neither a proposed nor final rule, and therefore, is not covered under Executive Order 12291, the Regulatory Flexibility Act, or DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

List of Subject in 14 CFR Part 39

Aviation safety, Aircraft.

The Withdrawal

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration withdraws a proposal to amend § 39.13 of Part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

2. By withdrawing the proposed airworthiness directive, Notice of Proposed Rulemaking (NPRM), Docket 87-NM-96-AD, published in the **Federal Register** on September 9, 1987 (52 FR 33947), FR Doc. 87-20602.

Issued in Seattle, Washington, on Feburary 29, 1988.

Wayne J. Barlow,

Director, Northwest Mountain Region.

[FR Doc. 88-4948 Filed 3-7-88; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 87-NM-174-AD]

Airworthiness Directives; SAAB-Fairchild Model SF-340A Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This notice proposes to supersede an existing airworthiness directive (AD), applicable to certain SAAB-Fairchild Model SF-340A series airplanes, which currently requires modification to the wiring and connectors associated with separation (explosive) bolts in the main landing gear (MLG) emergency extension system. This action, in addition to previously required modifications, would require the separation bolt wiring harness to be lengthened and the existing harness to be re-routed and secured. This action is necessary to prevent failure of the separation bolt wiring harness, which would prevent activation of the separation bolt. This, in turn, could prevent full extension of the MLG and subsequently cause main gear collapse upon landing in the event the main gear emergency extension system is utilized.

DATE: Comments must be received no later than May 2, 1988.

ADDRESSES: Send comments on the proposal in duplicate to Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel (Attn: ANM-103), Attention: Airworthiness Rules Docket No. 87-NM-174-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. The applicable service information may be obtained from SAAB, Aircraft Product Support AB, S. 58188, Linkoping, Sweden. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Huhn, Standardization Branch, Seattle Aircraft Certification Office, ANM-113; telephone (206) 431-1967. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this Notice may be changed in light of the comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA/public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the FAA, Northwest Mountain Region, Office of the Regional Counsel (Attn: ANM-103), Attention: Airworthiness Rules Docket No. 87-NM-174-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

Discussion

On June 19, 1987, FAA issued AD 87-13-07, Amendment 39-5662 (52 FR 23947; June 26, 1987), to require modification of the wiring and connectors of the MLG extension system on SAAB-Fairchild Model SF-340A series airplanes, in accordance with SAAB Service Bulletin SF340-32-028, Revision 1, dated November 25, 1986.

SAAB Service Bulletin SF-340-32-028, Revision 1, describes the addition of a protective shrink sleeve to the electrical connectors of the separation bolts and re-routing of the separation bolt grounding wires. These design changes were intended to strengthen the wire/connector interface and reduce the stresses in the ground connections. However, since issuance of AD-87-13-07, wire/connector interface failures have continued to occur. It has been determined that premature failure is caused by torsional flexure in the cable through normal operation of the main landing gear extension system.

SAAB issued Service Bulletin SF-340-32-041, Revision 1, dated October 9, 1987. This service bulletin provides instructions to lengthen the existing electrical harnesses for the separation bolts, (modified in accordance with previous Service Bulletin SF340-32-028, Mod. 1409), and to re-route and secure the existing harness. The purpose of this modification is to reduce the torsional flexure for a given length of wire. The Swedish Civil Aviation Authority issued Airworthiness Directive SAD No. 1-023, dated September 14, 1987, that requires compliance with SAAB Service Bulletin SF-340-32-041, Revision 1, dated October 9, 1987.

This airplane model is manufactured in Sweden and type certificated in the United States under the provisions of § 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness agreement.

Since this condition is likely to exist or develop on airplanes of this model registered in the United States, an AD is proposed which would require modification of the harnesses in accordance with the service bulletins previously mentioned.

It is estimated that 61 airplanes of U.S. registry would be affected by this AD, that it would take approximately 4 manhours per airplane to accomplish the required actions, and that the average labor cost would be $40 per manhour. Estimated cost of parts per airplane is $1,475. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $99,735.

For these reasons, the FAA has determined that this document (1) involves a proposed regulation which is not major under Executive Order 12291 and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities because of the minimal cost of compliance per airplane ($1,875). A copy of a draft regulatory evaluation prepared for this action is contained in the regulatory docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) as follows:

PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By superseding AD 87-13-07, Amendment 39-5662 (52 FR 23947; June 26, 1987), with the following new airworthiness directive:

SAAB-Fairchild: Applies to Model SF-340A airplanes, manufacturer's serial numbers SF340A-003 through -078 inclusive, certificated in any category. Compliance required as indicated, unless previously accomplished.

To ensure the reliability of the emergency main landing gear extension system, accomplish the following:

A. Prior to November 3, 1987, modify the wiring and connectors of the main landing gear emergency extension system in accordance with SAAB Service Bulletin SF340-32-028, Revision 1, dated November 25, 1986.

B. Within 90 days after effective date of this AD, lengthen the electrical harnesses for the separation bolts, and re-route and secure the existing harnesses, in accordance with SAAB Service Bulletin SF340-32-041, Revision 1, dated October 9, 1987.

C. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety and which has the concurrence of an FAA Principal Maintenance Inspector, may be used when approved by the Manager, Standardization Branch, ANM-113, FAA, Northwest Mountain Region.

D. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of the modification required by this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to SAAB, Aircraft Product Support AB, S.58188, Linkoping, Sweden. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

Issued in Seattle, Washington, on February 26, 1988.

Frederick M. Isaac,

Acting Director, Northwest Mountain Region.

[FR Doc. 88-4950 Filed 3-7-88; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 87-AWA-52]

Proposed Establishment of Airport Radar Service Areas; California

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM); extension of comment period and notice of informal airspace meetings.

SUMMARY: This notice announces extension of the comment period on an NPRM which proposes to establish an Airport Radar Service Area (ARSA) at Palm Springs, CA, and Santa Barbara, CA, and gives notification of informal airspace meeting.

DATES: Comments must be received on or before June 13, 1988. Informal airspace meeting dates are as follows: Santa Barbara, CA—May 12, 1988, and Palm Springs, CA—May 11, 1988.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket [AGC-204], Airspace Docket No. 87-AWA-52, 800 Independence Avenue SW., Washington, DC 20591.

The informal airspace meeting places are as follows:

Santa Barbara, CA, ARSA

Date: May 12, 1988
Time: 7:00 p.m.
Location: Santa Barbara County School's Office Auditorium, 4400 Cathedral Oaks, Santa Barbara, CA 93105

Palm Springs, CA, ARSA

Date: May 11, 1988
Time: 7:00 p.m.
Location: City Hall Council Chambers, 3200 Taquito-McCallum Way, Palm Springs, CA 92262

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue SW., Washington, DC.

The informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Joe Gill, Airspace Branch (ATO-240), Airspace—Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267-9252.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 87-AWA-52." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA-230, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 267-3484. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

Background

Airspace Docket No. 87–AWA–52, published on January 11, 1988 (53 FR 674), proposed to establish an Airport Radar Service Area (ARSA) at five locations which included Palm Springs, CA, and Santa Barbara, CA. An informal airspace meeting was scheduled for each location to receive additional public comment on the proposal. Due to an administrative error not all of the individual mailings were made in a timely manner.This action extends the period for public comment on Airspace Docket No. 87–AWA–52, as it applies to Palm Springs, CA, and Santa Barbara, CA, only, and schedules additional informal airspace meetings.

Meeting Procedures

In addition to seeking written comments on this proposal, the FAA will hold informal airspace meetings in order to receive additional input with respect to the proposal. The dates, times, and places for these meetings are listed above. Persons who plan to attend the meetings should be aware of the following procedures to be followed:

(a) The meetings will be informal in nature and will be conducted by the designated representative of the Administrator. Each participant will be given an opportunity to make a presentation.

(b) There will be no admission fee or other charge to attend and participate. The meetings will be open to all persons on a space-available basis. The FAA representative may accelerate the agenda to enable early adjournment if the progress of the meetings is more expeditious than planned.

(c) The meetings will not be recorded. A summary of the comments made at these meetings will be filed in the docket.

(d) Position papers or other handout material relating to the substance of the meetings may be accepted. Participants submitting handout materials should present an original and two copies to the presiding officer. There should be an adequate number of copies provided for further distribution to all participants.

(e) Statements made by FAA participants at the meetings should not be taken as expressing a final FAA position.

Agenda

Presentation of Meeting Procedures
FAA Presentation of Proposal
Public Presentations and Discussion

List of Subjects in 14 CFR Part 71

Aviation safety, airport radar service areas.

Extension of Comment Period and Notice of Public Meetings

The comment period for Airspace Docket No. 87–AWA–52 as it applies to Palm Springs, CA, and Santa Barbara, CA, is extended to close on June 13, 1988. Informal airspace meetings are scheduled for May 11, 1988, and May 12, 1988, respectively.

[Authority: 49 U.S.C. 1348(a), 1354(a), 15010; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); 14 CFR 11.69)

Issued in Washington, DC, on March 1, 1988.

Shelomo Wugalter,

Acting Manager, Airspace—Rules and Aeronautical Information Division.

[FR Doc. 88–4935 Filed 3–7–88; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 87–ASW–54]

Proposed Revision of Transition Area; Albuquerque, NM

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This summary proposes to revise the transition area located at Albuquerque, NM. The closure of the Alameda Airport, resulting in the cancellation of the standard instrument approach procedure (SIAP) serving the Alameda Airport, and the development of a new SIAP to the Double Eagle Airport have made this proposed revision necessary. The intended effect of this proposed revision is to return that controlled airpspace no longer required for aircraft executing the SIAP to the Alameda Airport. Additionally, this proposed revision will provide adequate controlled airspace for aircraft executing the new SIAP to the Double Eagle Airport. Coincident with this action, the instrument flight rules (IFR) status of the Alameda Airport is canceled and the status of the Double Eagle Airport is changed from visual flight rules (VFR) to IFR.

DATES: Comments must be received on or before April 11, 1988.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Docket No. 87–ASW–54, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193–0530.

The official docket may be examined in the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, TX.

FOR FURTHER INFORMATION CONTACT: Bruce C. Beard, Airspace and Procedures Branch, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193–0530; telephone: (817) 624–5561.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 87–ASW–54."

The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Office of the Regional Counsel, 4400 Blue Mound Road, Fort Worth, TX, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Manager, Airspace and Procedures Branch, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193–0530. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.181 of the Federal Aviation Regulations (14 CFR Part 71) by revising the transition area located at Albuquerque, NM. The closure of the Alameda Airport, resulting in the cancellation of the SIAP serving the Alameda Airport, and the development of a new SIAP to Runway 22 at the Double Eagle Airport have necessitate this proposed revision. The intended effect of this proposed revision is to return that controlled airspace no longer required for aircraft executing the SIAP to the Alameda Airport and to provide adequate controlled airspace for aircraft executing the new SIAP to the Double Eagle Airport. Coincident with this action, the IFR status of the Alameda Airport is canceled and the status of the Double Eagle Airport is changed from VFR to IFR. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6C dated January 2, 1987.

The FAA has determined that this regulations only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

PART 71—[AMENDED]

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; E.O. 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Albuquerque, NM

That airspace extending upward from 700 feet above the surface within a 14-mile radius of Albuquerque International Airport (latitude 35°02'30" N., longitude 106°36'23" W.), and within an 11.5-mile radius of the Double Eagle Airport (latitude 35°08'42" N., longtude 106°47'41" W.).

Issued in Fort Worth, TX on February 24, 1988.

Larry L. Craig,

Manager, Air Traffic Division Southwest Region.

[FR Doc. 88-4953 Filed 3-7-88; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 87-ASW-53]

Proposed Removal of Transition Area; Kirbyville, TX and Proposed Amendment of Transition Area; Jasper, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to remove the transition area located at Kirbyville, TX, and revise the transition area located at Jasper, TX. This multiple proposed action is necessary due to the removal of the Boggy Creek and Pine Nondirectional Radio Beacons (NDB) and the subsequent cancellation of the associated standard instrument approach procedures (SIAP) utilizing these two NDB's. The intended effect of this proposed action is to release that controlled airspace no longer required due to the cancellation of the SIAP's. Coincident with this action, the status of the Kirbyville Airport will change from instrument flight rules (IFR) to visual flight rules (VFR).

DATE: Comments must be received on or before April 11, 1988.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Docket No. 87-ASW-53, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0530.

The official docket may be examined in the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, TX.

FOR FURTHER INFORMATION CONTACT: Bruce C. Beard, Airspace and Procedures Branch, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0530; telephone: (817) 624-5561.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 87-ASW-53."

The postcard will be date/time stamped and returned to the commenter All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Office of the Regional Counsel, 4400 Blue Mound Road, Fort Worth, TX, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Manager, Airspace and Procedures Branch, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0530. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.181 of the Federal Aviation Regulations (14 CFR Part 71) by removing the transition area located at Kirbyville, TX, and revising the transition area located at Jasper, TX. The removal of the Boggy Creek and Pine NDB's and the subsequent cancellation of the SIAP's to the

Kirbyville and Jasper County Airports utilizing these NDB's have necessitated this proposed multiple action. The intended effect of this proposed multiple action is to return that controlled airspace no longer required due to the cancellation of the SIAP's. Coincident with this action, the status of the Kirbyville Airport will change from IFR to VFR. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6C, dated January 2, 1987.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

The Proposed Amendment

PART 71—[AMENDED]

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; E.O. 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Kirbyville, TX [Removed]

Jasper, TX [Revised]

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Jasper County Airport (latitude 30°53'32"N., longitude 94°02'03"W.), within 3.5 miles each side of the 360° bearing from the Jasper NDB (latitude 30°57'16"N., longitude 94°02'00"W.), extending from the 5-mile radius area to 11.5 mile north of the Jasper NDB.

Issued in Fort Worth, TX, on February 24, 1988.

Larry L. Craig,

Manager, Air Traffic Division, Southwest Region.

[FR Doc. 88-4952 Filed 3-7-88; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Parts 71 and 73

[Airspace Docket No. 87-ASW-65]

Proposed Establishment of Restricted Area R-5115; Deming, NM

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish Restricted Area R-5115 located near Deming, NM. This action would provide for the deployment of a tethered aerostat-borne radar system at the request of the United States Customs Service. This action would provide the Customs Service with the capability to provide surveillance of a volume of airspace from ground level to an altitude of 15,000 feet mean sea level and detect low altitude suspect aircraft attempting to penetrate the airspace.

DATE: Comments must be received on or before April 18, 1988.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA, Southwest Region, Attention: Manager, Air Traffic Division, Docket No. 87-ASW-65, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue SW., Washington, DC.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Andrew B. Oltmanns, Airspace Branch (ATO-240), Airspace-Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC. 20591; telephone: (202) 267-9254.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposals. Comments are specifically invited on the overall regulatory, aeronautical, economic and energy related aspects of the proposals. Send comments on environmental and land use aspects to: Department of Treasury, U.S. Customs Service, Mr. Robert O. Holliday, Director, Research and Development Division, 1301 Constitution Avenue NW., Washington, DC 20229 (202) 566-5371. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 87-ASW-65." The postcard will be dated/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA-230, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 267-3484. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposals

The FAA is considering amendments to Parts 71 and 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) to establish Restricted Area R-5115 located near Deming, NM. The U.S. Customs Service would deploy a tethered aerostat-borne radar system with the capability to detect low altitude suspect aircraft attempting to penetrate

the airspace. The system would increase the probability of intercept/interdiction of suspect aircraft and provide low altitude radar coverage for the Customs Service. In order to achieve their mission, it would be necessary to restrict airspace from the surface to 15,000 feet MSL, within a 2-statute-mile radius. R-5115 would also be added to the Continental Control Area. Sections 71.151 and 73.51 of Parts 71 and 73 of the Federal Aviation Regulations were republished in Handbook 7400.6C dated January 2, 1987.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Parts 71 and 73

Aviation safety, Continental control area, Restricted areas.

The Proposed Amendments

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Parts 71 and 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; E.O. 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§71.151 [Amended]

2. Section 71.151 is amended as follows:

R-5115 Deming, NM [New]

PART 73—SPECIAL USE AIRSPACE

3. The authority citation for Part 73 continues to read as follows:

Authority. 49 U.S.C. 1348(a), 1354(a), 1510, 1522; E.O. 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§73.51 [Amended]

4. Section 73.51 is amended as follows:

R. 5115 Deming, NM [New]

Boundaries. A 2-mile radious centered at lat. 32°01'07"N., long. 107°51'52"W.

Designated altitudes. Surface to 15,000 feet MSL.

Time of designation. Continuous.

Controlling agency. FAA, Albuquerque ARTCC.

Using agency. United States Customs Service.

Issued in Washington, DC, on February 29, 1988.

Daniel J. Peterson,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 88-4947 Filed 3-7-88; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 73

[Airspace Docket No. 87-AGL-29]

Proposed Alteration of Restricted Areas R-5503A and R-5503B, OH

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to realign Restricted Areas R-5503A and R-5503B near Wilmington, OH, by moving the areas slightly to the south and east in order to better accommodate access to the national airspace system for local aviation activities.

DATES: Comments must be received on or before April 22, 1988.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA, Great Lakes Region, Attention: Manager, Air Traffic Division, Docket No. 87-AGL-29, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, IL 60018

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue SW., Washington, DC.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Paul Gallant, Airspace Branch (ATO-240), Airspace—Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267-9253.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 87-AGL-29." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA-230, 800 Independence Avenue SW., Washington, DC. 20591, or by calling (202) 267-3484. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to Part 73 of the Federal Aviation Regulations (14 CFR Part 73) to relocate Restricted Areas R-5503A and R-5503B several miles to the south and east in order to better accommodate access to the national airspace system

by local aviation users. Section 73.55 of Part 73 of the Federal Aviation Regulations was republished in Handbook 7400.6C dated January 2, 1987.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 73

Aviation safety, Restricted areas.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Part 73 of the Federal Aviation Regulations (14 CFR Part 73) as follows:

PART 73—SPECIAL USE AIRSPACE

1. The authority citation for Part 73 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510, 1522; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 73.55 [Amended]

2. Section 73.55 is amended as follows:

R-5503A Wilmington, OH [Amended]

By removing the present boundaries and substituting the following:

Boundaries. Beginning at lat. 38°54'40" N., long. 83°54'45" W.; to lat. 39°10'45" N., long. 83°53'00" W.; to lat. 39°27'45" N., long. 83°23'00" W.; to lat. 39°24'20" N., long. 82°49'30" W.; to lat. 39°18'00" N., long. 82°44'15" W.; to lat. 38°58'45" N., long. 82°50'00" W.; to lat. 38°47'00" N., long. 82°58'45" W.; to lat. 38°46'20" N., long. 83°14'20" W.; to lat. 38°52'15" N., long. 83°34'00" W.; thence to the point of beginning.

R-5503B Wilmington, OH [Amended]

By removing the present boundaries and substituting the following:

Boundaries. Beginning at lat. 38°54'40" N., long. 83°54'45" W.; to lat. 38°59'00" N., long. 84°05'00" W.; to lat. 39°16'00" N., long. 84°05'00" W.; to lat. 39°29'20" N., long. 83°41'00" W.; to lat. 39°27'45" N., long. 83°23'00" W.; to lat. 39°10'45" N., long. 83°53'00" W.; thence to point of beginning.

Issued in Washington, DC, on February 24, 1988.

Signed by: Daniel J. Peterson,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 88-4938 Filed 3-7-88; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL MARITIME COMMISSION

46 CFR Part 588

[Docket No. 87-25]

Actions To Adjust or Meet Conditions Unfavorable to Shipping in the United States/Taiwan Trade

AGENCY: Federal Maritime Commission.

ACTION: Notice of discontinuance.

SUMMARY: The Federal Maritime Commission discontinues this proceeding and withdraws the proposed rule because of recent developments in the United States/Taiwan trade. This action makes unnecessary the filing of any further comments on the Proposed Rule.

DATE: This action is effective March 8, 1988.

FOR FURTHER INFORMATION CONTACT: Robert D. Bourgoin, General Counsel, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573 (202) 523-5740.

SUPPLEMENTARY INFORMATION: The Commission initiated this proceeding pursuant to section 19(1)(b) of the Merchant Marine Act, 1920, 46 U.S.C. app. 876 ("Section 19"), by a Notice of Proposed Rulemaking ("Proposed Rule") published in the **Federal Register** on December 8, 1987 (52 FR 46505) based on the apparent existence of conditions unfavorable to shipping in the United States/Taiwan trade ("Trade"). The Proposed Rule addressed practices which appeared to unreasonably restrict U.S.-flag carriers from competing in the Trade on the same basis as Taiwan-flag carriers with respect to the ownership and operation of dockside equipment and facilities, and the ability of U.S.-flag carriers to obtain container terminal licenses.[1] The remedies proposed as alternative sanctions were suspension of the tariffs of Taiwan-flag carriers serving U.S. ports, and suspension of transshipment and terminal agreements at U.S. ports to which Taiwan-flag carriers are parties. Comments on the Proposed Rule are to be submitted by March 7, 1988.[2]

On February 1, 1988, the Commission received a comment (dated January 21, 1988) to the Proposed Rule from the Taiwan Coordination Council for North American Affairs ("CCNAA") which incorporated a request (hereinafter referred to as "the Petition") that the Commission discontinue this proceeding.[3] Letters in support of CCNAA's request were received from Taiwan-flag carriers Evergreen Marine Corporation ("Evergreen") (letter dated February 17, 1988) and OOCL (letter dated February 16, 1988).[4]

U.S.-flag interests have also filed replies to CCNAA's Petition. APL's reply, received February 16, 1988, supports discontinuance of this proceeding but requests that the Commission gather additional information concerning the Trade under section 15 of the 1984 Act. Sea-Land's reply, received February 22, 1988, also supports termination of this proceeding and continuation of the Commission's section 15 inquiry. The U.S.-Flag Far East Discussion agreement ("Agreement 10050") likewise supports termination of this proceeding and continued monitoring of the Trade.[5]

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[1] The information which formed the factual basis for the Proposed Rule had been obtained through an order pursuant to section 15 of the Shipping Act of 1984 ("1984 Act"), 46 U.S.C. app. 814. *See Inquiry Into Laws, Regulations and Policies of Taiwan Affecting Shipping in the United States/Taiwan Trade*, issued April 15, 1987 ("Section 15 Order"). The Section 15 Order sought information from non-Taiwan-flag ocean common carriers serving the Trade. Although a number of other areas were explored in the Section 15 Order, ownership of dockside equipment and container terminal licensing were the two issues of paramount concern identified in the responses to the Section 15 Order.

[2] The original deadline for submission of comments was January 7, 1988. Requests to extend the time for comments were received from Orient Overseas Container Line ("OOCL") and Yang Ming Marine Transport Corporation ("Yang Ming"). American President Lines ("APL") and Sea-Land Service, Inc. ("Sea-Land") informally advised that they did not oppose a reasonable extension of time. The Department of State ("DOS") and Department of Transportation ("DOT") informally indicated that they supported the requested extension. On January 6, 1988, the Commission extended the comment period to March 7, 1988.

[3] CCNAA filed its request pursuant to 46 CFR 585.13 which provides in relevant part that:

"The Commission may, on its own motion or upon petition postpone, discontinue, or suspend any and all actions taken by it under the provisions of this part."

CCNAA's request therefore is being treated as a petition to discontinue the proceeding and, in the interest of time and orderly procedure, is now being separately considered.

[4] Yang Ming, also a Taiwan-flag carrier, filed a letter on February 4, 1988 which, while not responding directly to the Petition, did request that this proceeding be "closed."

[5] The United Shipowners of America ("USA") submitted a letter on February 16, 1988 which supported the position of U.S.-flag carriers and noted "changes in factual circumstances in Taiwan" but did not address the question of whether this proceeding should be discontinued.

Summary of Comments Addressing the Petition for Discontinuance

Although the comment period has not yet expired, the Commission has received a number of comments from shippers, ports and other interested persons on the Proposed Rule, some of which also request that the Proposed Rule be withdrawn. These comments, some of which were filed prior to the CCNAA Petition, however, do not directly address the question raised by that Petition which is before the Commission at this time and will not be further discussed here. The following is a summary of the Petition, the replies to the Petition from Taiwan-flag and U.S.-flag carriers, and relevant communications from the U.S. Government agencies.

The Petition

CCNAA asserts that the two issues raised in this proceeding have been resolved and therefore requests that this proceeding be withdrawn. With regard to the question of ownership and operation of dockside equipment, CCNAA believes that new contracts between Kaohsiung Harbor Bureau ("KHB") and U.S.-flag carriers, expected to be signed by January 31, 1988, should resolve this matter. With regard to the question of container terminal licenses, CCNAA alleges that recent revisions of regulations by the Ministry of Communications greatly liberalize the requirements for obtaining a dockside container freight station license. CCNAA therefore urges that "the FMC withdraw any and all action in * * * [this] matter, on the basis that the issues targeted for this action have already been resolved * * *"

Replies to the Petition

1. *Evergreen.* Evergreen urges that this proceeding be terminated. Evergreen's Reply references its comment of January 5, 1988 to the Proposed Rule which notes the progress recently made citing the recent revision of the container terminal regulations and the then pending contract negotiations between KHB and U.S.-flag carriers.

2. *OOCL.* OOCL supports the Petition and urges the Commission to discontinue this proceeding based on the new contracts and the revised regulations.

3. *APL.* APL believes that the two issues raised in this rulemaking have been substantially resolved and that it would be appropriate to terminate this proceeding. With regard to the issue of ownership of dockside facilities and equipment, APL reports that it has entered into long-term agreements with KHB which provide that APL may import, own, operate and re-export certain container handling equipment subject to certain terms and conditions. APL believes that it is now able to operate on "commercially reasonable terms." With regard to the question of operation of container terminals, APL notes that it is satisfied that the revision of the container terminal licensing regulations has removed" * * * the primary regulatory obstacle to the establishment by APL of a container terminal in Taiwan * * *." Finally, although APL believes that this proceeding may be discontinued, it requests that the Commission permit interested persons to supplement their responses to the Section 15 Order to address other possible issues in the Trade.

4. *Sea-Land.* Sea-Land states that "[t]here has been significant progress made toward eliminating unfavorable conditions existing in the U.S./Taiwan trades, particularly with respect to the ownership and operation of dockside equipment and facilities, and with respect to the licensing of container terminal operations." Sea-Land cites a new agreement it has concluded with KHB. Sea-Land concludes that termination of this proceeding would be appropriate, but asks that "the Section 15 Inquiry be continued."

5. *U.S.-Flag Far East Discussion Agreement.* Agreement No. 10050, two of whose members are APL and Sea-Land, also supports discontinuance of this proceeding at this time. Agreement No. 10050 notes that "* * * significant progress * * * has been made toward alleviating the particular trade conditions addressed in this proceeding * * *." Agreement No. 10050 cites recent new contracts between U.S.-flag carriers and KHB and the revision of the terminal licensing regulations. Agreement No. 10050 also urges the Commission to continue to closely monitor conditions in the Trade.

U.S. Government Communications

By letter to the Commission, dated February 22, 1988, submitted on behalf of the Departments of Transportation and State, the Maritime Administrator forwarded to the Commission an exchange of correspondence between CCNAA (letter dated January 6, 1988) and the American Institute in Taiwan ("AIT") (letter dated January 13, 1988). The February 22 letter also refers to an earlier letter from the Maritime Administrator, dated January 15, 1988, which summarized recent developments in the Trade as they relate to the issues in this proceeding. The sum and substance of these various communications is to confirm the fact that significant progress has been made to alleviate the burdens on the operations of U.S.-flag carriers in Taiwan which are the subject of this proceeding.[6]

Discussion

Although the comment period in this proceeding has not expired, the Commission now has before it the CCNAA request, filed pursuant to 46 CFR 585.13, that the Commission discontinue this proceeding. The Petition is supported by Taiwan-flag carriers that would be affected by the sanctions in the Proposed Rule. In addition, the U.S.-flag carriers, whose operations in Taiwan were the subject of this rulemaking, also support discontinuance of this proceeding. Finally, the U.S. Government has submitted letters to the Commission which confirm the two most significant recent developments in this Trade. The Commission therefore believes that it is appropriate to consider and act on the Petition at this time.

The positions taken by the Taiwan and U.S.-flag interests disagree over the issuance of the Proposed Rule. With regard to those factual developments that have a bearing on the two issues in this proceeding, however, all affected parties appear to be in fundamental accord. The first issue addressed in this rulemaking concerned restrictions placed on U.S.-flag carriers with regard to the ownership and operation of dockside equipment and facilities. The comments filed indicate that both APL and Sea-Land have recently concluded contracts with KHB which resolve this problem. It appears that these restrictions have been substantially lifted and that U.S.-flag carriers can operate on terms which they believe are commercially reasonable.

The second issue concerned the Taiwan regulatory scheme which unreasonably hampered the ability of U.S.-flag carriers to obtain licenses to operate container terminals. The comments represent that the chief regulatory impediments have now been removed. The Commission is aware of the fact that, as of this date, the process of licensing U.S.-flag carriers to operate port container terminals is not yet complete. We note especially the concern expressed in AIT's letter to

[6] The February 22, 1988 letter from the Maritime Administrator does not address CCNAA's Petition or take a position as to whether this proceeding should be discontinued. The January 13, 1988 AIT letter to CCNAA does express the hope that the terminal licensing process will not be burdensome for U.S. carriers.

CCNAA, which was forwarded to the Commission by the Maritime Administrator, that the licensing process not be expensive, burdensome, or time-consuming for U.S. carriers. While this matter is not totally concluded, it does not appear that the current regulatory regime will pose any unreasonable impediments to the ability of U.S.-flag carriers to oeprate container terminal facilities. We presently expect that the remaining administrative matters will be completed satisfactorily.

Based on these developments, the Commission has concluded that the objectives of this rulemaking have been achieved and that no further regulatory purpose would be served by continuing this proceeding. The Commission therefore shall grant the Petition of CCNAA and shall discontinue this proceeding and withdraw the Proposed Rule.

This action is taken without prejudice to the Commission instituting a new proceeding under section 19 should conditions in the Trade warrant it. Such an action could occur if the expected progress with respect to container terminal licensing does not materialize. Moreover, we note that the U.S.-flag carriers in their comments urge that the Commission continue to closely monitor the Trade and the progress of governmental and commercial efforts to eliminate any conditions unfavorable to shipping in that Trade. To that end, the Commission is expressly requested to continue its section 15 inquiry to address other issues raised in that inquiry and to update information on the Trade situation generally.

It is not necessary at this time to take any action on the request of the U.S.-flag carriers that the Commission conduct a further inquiry into conditions in the Trade through the section 15 process. The Commission, however, will continue to closely monitor the Trade and will take further appropriate action under section 15 or under section 19 as Trade conditions may warrant. The Commission remains committed to take action (including imposition of sanctions on foreign carriers) where it considers that step necessary to ensure fair and reasonable treatment of U.S.-flag carriers or otherwise to correct unfavorable shipping conditions in U.S. foreign commerce.

Therefore, it is ordered, That the Petition of the Coordination Council for North American Affairs is granted; and

It is further ordered, That the Proposed Rule is withdrawn and this proceeding is discontinued.

By the Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 88-4890 Filed 3-7-88; 8:45 am]

BILLING CODE 6730-01-M

Notices

Federal Register
Vol. 53, No. 45
Tuesday, March 8, 1988

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Human Nutrition Board of Scientific Counselors; Renewal of Advisory Board

Notice is hereby given that the Secretary of Agriculture has renewed the Human Nutrition Board of Scientific Counselors. The purpose of the Board is to provide the Secretary of Agriculture with an independent assessment of and recommendation on program and policy matters relating to human nutrition research and education by qualified individuals. The Human Nutrition Board of Scientific Counselors was initially established by the Secretary of Agriculture on April 9, 1981, in conformance with provisions of the Conference Report No. 95–1579, which accompanied H.R. 13125, dated September 18, 1978, on the FY 1979 Appropriations Act for the Department of Agriculture.

The Board meets annually in Washington, DC, to receive reports from Department of Agriculture staff on research progress, educational activities, and long-range goals. The Board's findings are reported in writing to the Secretary of Agriculture.

It was determined that the renewal of this Board would be in the public interest in connection with the work of the U.S. Department of Agriculture.

Done at Washington, DC, this 3rd day of March 1988.

John J. Franke, Jr.,

Assistant Secretary for Administration.

[FR Doc. 88–4972 Filed 3–7–88; 8:45 am]

BILLING CODE 3410–03–M

Office of Advocacy and Enterprise, Citizens' Advisory Committee on Equal Opportunity; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following committee meeting:

Name: Citizens' Advisory Committee on Equal Opportunity.

Date: March 28 & 29, 1988.

Place: Sheraton Crystal City, 1800 Jefferson Davis Highway, Arlington, VA 22202.

Time: 8:30 a.m.–5:00 p.m.

Purpose:

—Review all aspects of the U.S. Department of Agriculture's policies, practices, and procedures on Equal Opportunity;

—Recommend changes in Department rules, regulations, and orders to ensure USDA activities are free of discrimination;

—Advise the Secretary on the effectiveness of compliance program directives;

Additionally, the Committee will focus on:

—Employment, constituent services, and operational programs in the Extension Service.

—Follow-up reports on implementation strategies to make Secretary Lyng's initiative on equal opportunity a reality, and;

—An in-depth discussion of compliance reviews completed thus far.

The meeting is open to the public. Persons may participate in the meeting as time and space permit. Persons who wish to address the Committee at the meeting or who wish to file written comments before or after the meeting should contact: Naomi Churchill, Esq., Associate Director, Equal Opportunity, Office of Advocacy and Enterprise, 14th & Independence avenue SW., Room 1226 South Building, Washington, DC 20250, (202) 447–5681.

Written statements may be submitted until March 21.

Naomi Churchill,

Associate Director, Equal Opportunity.

[FR Doc. 88–4971 Filed 3–7–88; 8:45 am]

BILLING CODE 3410–94–M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket No. 13–88]

Foreign-Trade Zone 23, Erie County, NY; Request for Manufacturing of Laser Printers at Subzone 23A, Zerox Plant, Monroe County

The County of Erie, New York, grantee of FTZ 23 and Subzone 23A at Zerox Corporation's manufacturing plant in Monroe County, New York, which has approval to use zone procedures in the production of photo copiers (Board Order 220, 48 FR 35479, 8/4/83), requests approval from the Foreign-Trade Zones Board to extend the use of zone procedures at the Zerox plant for the production of laser printers. The request was filed February 26, 1988.

Zerox sources less than one-third of the value of the parts for laser printers abroad, including motors, power supplies, display units incorporating cathode ray tubes, clutches, fans, connectors, conductors, and fasteners. About one-fourth of the products manufactured at the plant are exported.

Zone procedures would exempt Xerox from Customs duty payments on the foreign products used in its exports. On its domestic sales, the company would be able to pay duties at the rate applicable to complete laser printers. The rate on the printers is 3.7 percent, whereas the rates on the components range from 0 to 6.2 percent. The company indicates that zone procedures for this extended purposes will help improve its international competitiveness.

Comments on the proposed manufacturing operation are invited in writing from interested persons and organizations. They should be addressed to the Board's Executive Secretary at the address below and postmarked before April 12, 1988.

A copy of the application is available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 1529, 14th and Pennsylvania Avenue, NW., Washington, DC 20230.

Dated: March 2, 1988.

Dennis Puccinelli,

Acting Executive Secretary.

[FR Doc. 88–5021 Filed 3–7–88; 8:45 am]

BILLING CODE 3510–DS–M

[Docket No. 12–88]

Foreign-Trade Zone 62, Brownsville, TX; Application for Expansion

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Brownsville Navigation District (BND), grantee of Foreign-Trade Zone 62, requesting authority to expand the zone to include two additional sites in Harlingen, Texas, within the Brownsville Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board

(15 CFR Part 400). It was formally filed on February 24, 1988.

The Brownsville zone was approved in October 1980 and expanded in September 1983. It presently covers the BND port complex, with authority to activate up to 2000 acres, as well as a site at the Brownsville International Airport. The current proposal calls for an extension of the zone to include sites in Harlingen, Texas consisting of two parcels (320 acres) of publicly owned property. Parcel 1, Harlingen Industrial Airpark (203 acres), is located at Valley International Airport on Rio Hondo Road in Harlingen. Parcel 2, Harlingen Industrial Park (117 acres), is located at FM 106 and FM 1595, also in Harlingen.

The application indicates there is a need for zone services in the Harlingen area and this expansion is designed to accommodate prospective users who cannot use the existing Brownsville zone.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report to the Board. The committee consists of: Joseph Lowry (Chairman), Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, DC 20230; Don Gough, Deputy Assistant Regional Commissioner, U.S. Customs Service, Southwest Region, 5850 San Felipe Street, Houston, TX 77057-3012; and Colonel John A. Tudela, District Engineer, U.S. Army Engineer District Galveston, P.O. Box 1229, Galveston, TX 77553-1229.

Comments concerning the proposed expansion are invited in writing from interested parties. They should be addressed to the Board's Executive Secretary at the address below and postmarked on or before April 18, 1988.

A copy of the application is available for public inspection at each of the following locations:

Office of the Port Director, U.S. Customs Service, International Border Station, Brownsville, TX 78520

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, 14th & Pennsylvania Ave., NW., Room 1529, Washington, DC 20230.

Dated: March 1, 1988.

Dennis Puccinelli,

Acting Executive Secretary.

[FR Doc. 88-5022 Filed 3-7-88; 8:45 am]

BILLING CODE 3510-DS-M

International Trade Administration

Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice of opportunity to request administrative review of antidumping or countervailing duty order, finding, or suspended investigation.

Background

Each year during the anniversary month of the publication of an antidumping or countervailing duty order, finding, or suspension of investigation, an interested party as defined in section 771(9) of the Tariff Act of 1930 may request, in accordance with §§ 353.53a or 355.10 of the Commerce Regulations, that the Department of Commerce ("the Department") conduct an administrative review of that antidumping or countervailing duty order, finding, or suspended investigation.

Opportunity To Request a Review

Not later than March 31, 1988, interested parties may request administrative review of the following orders, findings, or suspended investigations, with anniversary dates in March for the following periods:

Antidumping duty proceeding	Period
Brass Sheet and Strip from France.	08/22/86-02/29/88
Brass Sheet and Strip from Italy.	08/22/86-02/29/88
Brass Sheet and Strip from Sweden.	08/22/86-02/29/88
Brass Sheet and Strip from West Germany.	08/22/86-02/29/88
Canned Bartlett Pears from Australia.	03/01/87-02/29/88
Certain Circular Welded Carbon Steel Pipes and Tubes from Thailand.	03/01/87-02/29/88
Certain Brass Fire Protection Products from Italy.	03/01/87-02/29/88
Certain Fresh Cut Flowers from Canada.	11/03/86-02/29/88
Certain Fresh Cut Flowers from Colombia.	11/03/86-02/29/88
Certain Fresh Cut Flowers from Ecuador.	11/03/86-02/29/88
Chloropicrin from the People's Republic of China.	03/01/87-02/29/88
Iron Construction Castings from Canada.	03/01/87-02/29/88
Ferrite Cores (of the type used in consumer electronic products) from Japan.	03/01/87-02/29/88
Oil Country Tubular Goods from Israel.	08/25/86-02/29/88
Sodium Nitrate from Chile	03/01/87-02/29/88
Standard Carnations from Chile.	11/03/86-02/29/88
Television Receivers, Monochrome and Color, from Japan.	03/01/87-02/29/88
Viscose Rayon Staple Fiber from Finland.	03/01/87-02/29/88
Viscose Rayon Staple Fiber from France.	03/01/87-02/29/88

Countervailing duty proceeding	Period
Brass Sheet and Strip from France.	06/09/86-12/31/87
Cargon Steel Wire Rod from New Zealand.	01/01/87-12/31/87
Certain Apparel from Thailand.	01/01/87-12/31/87
Certain Castor Oil Products from Brazil.	01/01/87-12/31/87
Certain Iron-Metal Construction Castings from Mexico.	01/01/87-12/31/87
Certain Textile Mill Products from Mexico.	01/01/87-12/31/87
Certain Textile Mill Products and Apparel from Peru.	01/01/87-12/31/87
Certain Textile Mill Products and Apparel from Sri Lanka.	01/01/87-12/31/87
Certain Welded Carbon Steel Pipe and Tube Products from Turkey.	01/01/87-12/31/87
Cotton Shop Towels from Pakistan.	01/01/87-12/31/87
Cotton Yarn from Brazil	01/01/87-12/31/87
Ferrochrome from South Africa.	01/01/87-12/31/87
In-Shell Pistachios from Iran	01/01/87-12/31/87
Leather Wearing Apparel from Argentina.	01/01/87-12/31/87
Oil Country Tubular Goods from Israel.	06/11/86-12/31/87
Standard Carnations from Canada.	10/27/86-12/31/87
Standard Carnations from Chile.	02/03/87-12/31/87
Standard Chrysanthemums from the Netherlands.	10/27/86-12/31/87
Textile Mill Products and Apparel from Argentina.	01/01/87-12/31/87

Suspended investigation	Period
Certain Textile Mill Products and Apparel from Colombia.	01/01/87-12/31/87
Certain Textile Mill Products from Thailand.	01/01/87-12/31/87
Frozen Concentrated Orange Juice from Brazil.	01/01/87-12/31/87

Seven copies of the request should be submitted to the Acting Assistant Secretary for Import Administration, International Trade Administration, Room B-099, U.S. Department of Commerce, Washington, DC 20230.

The Department will publish in the **Federal Register** a notice of "Initiation of Antidumping (Countervailing) Duty Administrative Review," for requests received by March 31, 1988.

If the Department does not receive by March 31, 1988 a request for review of entries covered by an order or finding listed in this notice and for the period identified above, the Department will instruct the Customs Service to assess antidumping or countervailing duties on those entries at a rate equal to the cash deposit of (or bond for) estimated antidumping or countervailing duties required on those entries at the time of entry, or withdrawal from warehouse, for consumption and to continue to collect the cash deposit previously ordered.

This notice is not required by statute, but is published as a service to the international trading community.

Gilbert B. Kaplan,

Acting Assistant Secretary for Import Administration.

Date: March 2, 1988.

[FR Doc. 88-5023 Filed 3-7-88; 8:45 am]

BILLING CODE 3510-DS-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

New Import Limits and Restraint Period for Certain Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in Indonesia; Correction

March 3, 1988.

In the letter to the Commissioner of Customs published in the **Federal Register** on December 31, 1987 (52 FR 49466), correct the heading in the second column to read "Six-Month Restraint Limit," instead of "Twelve-Month Restraint Limit."

In addition, the six-month limit for Categories 445/446 should correctly read 25,503 dozen, instead of 255,025 dozen.

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 88-5001 Filed 3-7-88; 8:45 am]

BILLING CODE 3510-DR-M

Adjusting Import Limits for Certain Cotton, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in Mauritius

March 3, 1988.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on March 9, 1988. For further information contact Anne Novak, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of these limits, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port. For information on embargoes and quota re-openings, please call (202) 377-3715.

Summary

In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to increase the current limits for Categories 347/348 and 647/648/847 exported from Mauritius.

Background

A CITA directive dated September 25, 1987 (52 FR 36604) established limits for certain specified categories of cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, including Categories 347/348 and 647/648/847, produced or manufactured in Mauritius and exported during the agreement year which began on October 1, 1987 and extends through September 30, 1988. Pursuant to the Bilateral Textile Agreement of June 3 and 4, 1985, as amended, and at the request of the Government of Mauritius, the limits for Categories 347/348 and 647/648/847 are being increased for carryover of shorfalls in the previous restraint periods.

A description of the textile categories in terms of T.S.U.S.A. numbers is available in the correlation: Textile and Apparel Categories with Tariff Schedules of the United States Annotated (see **Federal Register** notice 52 FR 47745, dated December 11, 1987).

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

March 3, 1988.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive of September 25, 1987 from the Chairman of the Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in Mauritius and exported during the agreement year which began on October 1, 1987 and extends through September 30, 1988.

Effective on March 9, 1988, the directive of September 25, 1987 is hereby amended to include the following adjusted restraint limits for Categories 347/348 and 647/648/847, under the terms of the bilateral agreement of June 3 and 4, 1985, as amended [1]:

Category	Adjusted 12-mo restraint limit [1]
347/348	488,149 dozen.
647/648/847	408,100 dozen.

[1] The limits have not been adjusted to account for any imports exported after September 30, 1987.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 88-5002 Filed 3-7-88; 8:45am]

BILLING CODE 3510-DR-M

Adjustment of Import Limits for Certain Cotton Textile Products Produced or Manufactured in Turkey

March 3, 1988.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on March 9, 1988. For further information contact Janet Heinzen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of these limits, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port or call (202) 343-6582. For information on embargoes and quota re-openings, please call (202) 377-3715.

Summary

In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements

[1] The agreement, provides in part, that: (1) Specific limits may be exceeded during the agreement year by designated percentages; (2) specific limits may be adjusted for carryover and carryforward; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

directs the Commissioner of Customs to increase the current limit for cotton textile products in Category 369–S, produced or manufactured in Turkey and exported to the United States. As a result, the limit for Category 369–S, which is currently filled, will re-open.

Background

A CITA directive dated December 31, 1987 (53 FR 185) established import restraint limits for certain cotton and man-made fiber textile products, including Categories 300/301 and 369–S, produced or manufactured in Turkey and exported during the period which began on January 1, 1988 and extends through June 30, 1988.

Under the terms of the Bilateral Cotton and Man-Made Fiber Textile Agreement of October 15, 1985, as amended and extended, and at the request of the Government of Turkey, the current limit for Category 369–S is being increased by application of swing. The current limit for Category 300/301 is being reduced to account for the swing applied to Category 369–S.

A description of the textile categories in terms of T.S.U.S.A. number is available in the Correlation: Textile and Apparel Categories with Tariff Schedules of the United States Annotated (see **Federal Register** notice 52 FR 47745, dated December 11, 1987).

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

March 3, 1988.

Commissioner of Customs,
Department of Treasury, Washington, DC 20229.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive of December 31, 1987, concerning imports into the United States of certain cotton and man-made fiber textile products, produced or manufactured in Turkey and exported during the six-month period which began on January 1, 1988 and extends through June 30, 1988.

Effective on March 9, 1988, the directive of December 31, 1987 is amended to include the following adjustments to the previously established restraint limits for cotton textile products in the following categories, as provided under the terms of the bilateral agreement of October 15, 1985, as amended as extended: [1]

Category	Six-month adjusted limit [1]
300/301	3,337,410 pounds.
369–S [2]	876,090 pounds.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1987.
[2] In Category 369–S, only TSUSA number 366.2840.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 88–5003 Filed 3–7–88; 8:45 am]

BILLING CODE 3510-DR-M

Official Authorized to Issue Export Visas and Guaranteed Access Level Certifications for Certain Cotton and Man-Made Fiber Apparel from Costa Rica

March 3, 1988.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce (202) 377–4212.

The Government of Costa Rica has notified the United States Government that the officials listed below have been authorized by the Government of Costa Rica to issue export visas and guaranteed access level (GAL) certifications for certain cotton and man-made fiber apparel products exported from Costa Rica.

Annia Segura
Alberto Tacon
Danilo Rodriguez
Elizabeth Hasbun

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 88–5004 Filed 3–7–88; 8:45 am]

BILLING CODE 3510-DR-M

[1] The provisions of the bilateral agreement provide, in part, that: (1) Specific limits may be increased by 7 percent swing during an agreement period; and (2) specific limits may be increased by carryover and carryforward up to 11 percent of which carryforward shall not constitute more than 6 percent of the applicable category limit.

Textile and Apparel Categories; Changes in Visa Arrangements to Coincide with the Onset of the New Category System

March 3, 1988.

In the "Country Specific Section" of the letter to the Commission of Customs published in the **Federal Register** on December 30, 1987 (52 FR 49189), make the following corrections:

China

Footnote 1, line 4: 384.0212 should be 384.0213

Philippines

Footnote 2, line 2: 381.550 should be 381.9550

Taiwan

Footnote 4, line 7: 659–C should be 659–S
Footnote 9, line 2: 381.550 should be 381.9550
Footnote 10, line 2: 381.550 should be 381.9550

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 88–5005 Filed 3–7–88; 8:45 am]

BILLING CODE 3510-DR-M

CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket No. 88–1]

Philip A. Dye and Marilyn J. Dye, d/b/a P & M Enterprises; Complaint

AGENCY: Consumer Product Safety Commission.

ACTION: Publication of a complaint under the Consumer Product Safety Act.

SUMMARY: Under Provisions of its Rules of Practice for Adjudicative Proceedings (16 CFR Part 1025), the Consumer Product Safety Commission must publish in the **Federal Register** Complaints which it issues. Printed below is a complaint in the matter of Philip A. Dye and Marilyn J. Dye, d/b/a P & M Enterprises.

Date: February 29, 1988.

SUPPLEMENTARY INFORMATION:

Sheldon D. Butts,

Deputy Secretary.

In the matter of Philip A. Dye and Marilyn J. Dye d/b/a P & M Enterprises, CPSC Docket No. 88–1.

Complaint

Nature of Proceedings

1. This is an administrative adjudicative proceeding pursuant to section 15 of the Consumer Product

Safety Act (CPSA), 15 U.S.C. 2064, for public notification and remedial action to protect the public from substantial risks of injury presented by an electric worm probe. This proceeding is governed by the Rules of Practice for Adjudicative Proceedings before the Consumer Product Safety Commission, 16 CFR Part 1025.

Jurisdiction

2. This proceeding is instituted pursuant to the authority contained in sections 15 (b), (c), (d), and (f) of the CPSC, 15 U.S.C. 2064 (b), (c), (d), and (f).

Respondents

3. Respondents Philip A. Dye and Marilyn J. Dye own and operate a proprietorship and jointly control the acts, practices and policies of the proprietorship with a business office located at 1202 Arthur Street, Caldwell, Idaho, 83605.

4. Whenever this complaint refers to any act of the Respondents, the reference shall be deemed to mean that one or both of the co-owners, their employees or agents authorized such act while actively engaged in the management, direction or control of the affairs of the respondents and while acting within the scope of their employment. Whenever this complaint refers to any act of Respondents, the reference shall be deemed to mean the act of each Respondent jointly and severally.

The Consumer Product

5. The "WORM GETT'RS" are electric worm probes designed to deliver, by means of metal shafts (or probes), electric current into the earth to cause worms to come to the surface of the earth. The Respondents manufacture three models of the "WORM GETT'R" consisting of 2, 6, or 12 metal probes. The more probes used the larger the surface area that can be "wormed" at one time.

6. The "WORM GETT'RS" are manufactured by Respondents for sale to and used by consumers in or around a permanent or temporary household or residence, in recreation or otherwise and are consumer products within the meaning of section 3(a)(1) of the CPSA, 15 U.S.C. 2052(a)(1).

7. "WORM GETT'RS" are distributed by Respondents in commerce within the meaning of sections 3(a) (11) and (12) of the CPSA, 15 U.S.C. 2052(a) (11) and (12), and sections 15 (c) and (d) of the CPSA, 15 U.S.C. 2064 (c) and (d).

8. Respondents are a manufacturer of "WORM GETT'RS" within the meaning of sections 3(a) (4) and (e) of the CPSA, 15 U.S.C. 2052(a)(4) and (8).

Substantial Product Hazard

9. Paragraphs 1 through 8 are hereby realleged.

10. The "WORM GETT'RS" are designed to deliver, and do deliver, full line voltage, 120 volts of electricity through each ten (10) inch bare metal shaft of the worm probe.

11. The "WORM GETT'RS" are designed to be used outdoors in wet soil and users of the product are instructed by Respondents to water the soil before using the "WORM GETT'RS".

12. "WORM GETT'R" users, and/or persons in the vicinity of the "WORM GETT'R" while it is being used, can easily come in contact with the product's exposed bare metal shaft(s).

13. The "WORM GETT'R" constitutes a design defect under 15 U.S.C. 2064 because it deliver 120 volts of electricity through metal shafts accessible to consumers.

14. No use instructions or warning label, whatsoever, appear on the "WORM GETT'R" and this failure to warn also constitutes a defect under 15 U.S.C. 2064.

15. If a consumer is electrically grounded and touches a metal shaft of the "WORM GETT'R" that is properly plugged into an electrical outlet, an electrical current of up to 80 milliamperes can flow through his body.

16. Human exposure to electrical current levels over 5 milliamperes is regarded as harmful.

17. Human exposure to electrical current levels over 20 milliamperes can cause asphyxia, ventricular fibrillation (erractic movement of the heart muscle) leading to severe internal injuries and death by electrocution as well as secondary reaction injuries from shock.

18. This severe risk is not apparent from the product or from the nonexistent labeling and poses a latent risk to consumers.

19. The same risk of severe injury or death to consumers is present in each of the "WORM GETT'RS" during reasonably foreseeable use or misuse.

20. The defects in the "WORM GETT'RS" create a substantial risk of injury to consumers within the meaning of section 15(a)(2), of the CPSA, 15 U.S.C. due to the large number of products, the high risk of injury associated with each product and the severity of injuries that can be incurred.

21. The "WORM GETT'RS", which can electrocute a person contacting its metal shaft, is a substantial product hazard as described in sections 15(a)(2), (c) and (d) of the CPSA, 15 U.S.C. 2064 (a)(2), (c) and (d).

Relief Sought

Wherefore, in the public interest, the Administrative Litigation Division of the Directorate of Compliance and Administrative Litigation, (hereinafter, Complaint Counsel) requests that the commission:

A. Determine that Respondents' "WORM GETT'RS" present a "substantial product at hazard" within the meaning of section 15(a)(2) of the CPSA, 15 U.S.C. 2064(a)(2).

B. Determine that public notification under section 15(c) of the CPSA, 15 U.S.C. 2064(c) is required to protect adequately the public from the substantial product hazard presented by the "WORM GETT'RS" which have been distributed and order that the Respondents:

(1) Give public notice that the WORM GETT'RS present a substantial risk of injury to consumers and of the remedies available to remove the risk of injury; and

(2) Mail notice to each person who is or has been a distributor or retailer of the WORM GETT'R, and

(3) Mail notice to every person to whom Respondents know the WORM GETT'R was delivered or sold; and

(4) Include in the notice required by (1), (2) and (3) above a complete description of the hazard presented, a warning to stop using the "WORM GETT'R" immediately; and clear instructions for returning the WORM GETT'R to Respondents, and specify the form and content of any notice required to be given.

C. Determined that action under section 15(d) of the CPSA, 15 U.S.C. 2064(d) is in the public interest and order Respondents:

(1) To cease manufacturing for sale, offering for sale, and distributing in commerce "WORM GETT'RS" which present the substantial product hazard described above; and

(2) With respect to all "WORM GETT'RS" that have been distributed or sold, to elect to repair the "WORM GETT'RS" so they will not create an electrocution hazard to consumers, to replace the "WORM GETT'RS" with a like or equivalent product which will not create an electrocution hazard or to refund to consumers the purchase price of the "WORM GETT'RS".

(3) To make no charge to consumers and to reimburse them for any reasonable and foreseeable expenses incurred is availing themselves of any remedy provided under any order issued in this matter 15 U.S.C. 2064(e)(1); and

(4) To reimburse distributors and dealers for expenses in correction with

carrying out any Commission Order issued in this matter 15 U.S.C. 2064(e)(2); and

(5) To submit a plan satisfactory to the Commission, within ten (10) days of service of the Final Order, directing that actions specified in paragraphs c (1) through c (4) above be taken in a timely manner

(6) Prohibit Respondents from manufacturing, selling and distributing the defective "WORM GETT'RS" in commerce, 15 U.S.C. 2064(d).

(7) To keep records of their actions taken to comply with paragraphs c (1) through c (5) above; and to supply these records to the Commission for a period of three (3) years after entry of a Final Order issued by the Commission requiring notice and remedial action, for the purpose of monitoring compliance with the Final Order.

(8) To notify the Commission at least 60 days prior to any change in their business (such as incorporation, dissolution, assignment, sale, or by petition for bankruptcy) that results in, or is intended to result in, the emergence of successor ownership, the creation or dissolution of subsidiaries, going out of business, or any other change that might affect compliance obligations under a final Order issued by the Commission requiring public notice and corrective action for applied of three years after issuance of said final Order.

(9) To take such other and further actions as the Commission deems necessary to protect the public health and safety and to implement the CPSA.

Issued by Order of the Commission.

David Schmeltzer,

Associate Executive Director, Directorate for Compliance and Administrative Litigation.

Alan H. Schoem,

Director, Division of Administrative Litigation, Directorate for Compliance and Administrative Litigation.

William J. Moore, Jr.,

Complaint Counsel, Division of Administrative Litigation, Directorate for Compliance and Administrative Litigation.

[FR Doc. 88-4990 Filed 3-7-88; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board Task Force on Competitive Strategies; Change in Advisory Committee Meeting Date

ACTION: Change in date of advisory committee meeting date.

SUMMARY: The meeting of the Defense Science Board Task Force on Competitive Strategies scheduled for May 27, 1988 as published in the **Federal Register** (Vol. 52, No. 224, Page 44625, Friday, November 20, 1987, FR Doc. 87-26803) will be held on May 20, 1988.

Linda M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

March 3, 1988.

[FR Doc. 88-5058 Filed 3-7-88; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board Task Force on Tactical Directed Energy Weapons—Revisit; Change in Date of Advisory Committee Meeting

ACTION: Change in date of advisory committee meeting notice.

SUMMARY: The meeting of the Defense Science Board Task Force on Tactical Directed Energy Weapons—Revisit scheduled for February 24-25, 1988 as published in the **Federal Register** (Vol. 52, No. 17, Page 2266, Wednesday January 27, 1988, FR Doc. 88-1616) will be held on March 29-30, 1988.

Linda M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

March 3, 1988.

[FR Doc. 88-5057 Filed 3-7-88; 8:45 am]

BILLING CODE 3810-01-M

Department of the Army

Army Science Board; Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Dates of Meeting: 28 and 29 March 1988.

Time of Meeting: 0800-1730 hours, both days.

Place: The Pentagon, Washington, DC

Agenda: The Army Science Board's Ad Hoc Subgroup on Competition in Contracting will meet to gather facts for this study. This meeting will be open to the public. Any person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (202) 695-3039 or 695-7046.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 88-5013 Filed 3-7-88; 8:45 am]

BILLING CODE 3710-08-M

Department of the Navy

Government-Owned Inventions; Availability for Licensing

AGENCY: Department of the Navy.

ACTION: Notice of availability of inventions for licensing.

SUMMARY: The inventions listed below are assigned to the United States Government as represented by the Secretary of Navy and are made available for licensing by the Department of the Navy.

Copies of patent applications cited are available from the National Technical Information Service (NTIS), Springfield, Virginia 22161 for $6.00 each ($10.00 outside North American Continent). Request for copies of patent applications must include the patent application serial number. Claims are deleted from the patent application copies sold to avoid premature disclosure.

DATE: March 8, 1988.

FOR FURTHER INFORMATION CONTACT: Mr. R.J. Erickson, Staff Patent Attorney, Office of the Chief of Naval Research (Code OOCCIP), Arlington, Virginia 22217-5000, telephone (202) 696-4001.

Patent Application 066,442: DIALLYL TELLURIDE AND SYNTHESIS OF DIOGANO TELLURIDES; 26 June 1987.

Patent Application 073,238: METHYL ALLYL TELLURIDE AND SYNTHESIS OF UNSYMMETRIC ALLKYL—(ALKYL) TELLURDIES; field 13 July 1987.

Patent Application 136,616: PREPARATION OF DITERTIARYBUTYLELLURIDE; field 21 December 1987.

March 2, 1988

William R. Babington, Jr.,

Commander, JAGC, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 88-4960 Filed 3-7-88; 8:45 am]

BILLING CODE 3810-AE-M

Chief of Naval Operations Executive Panel Advisory Committee; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. app.), notice is hereby given that the Chief of Naval Operations (CNO) Executive Panel Advisory Committee Lower Level Conflict Task Force will meet April 27-28, 1988 from 9 a.m. to 5 p.m. each day, at 4401 Ford Avenue, Alexandria, Virginia. All sessions will be closed to the public.

The purpose of this meeting is to the employment of Naval forces in armed

conflict with third world adversaries and related intelligence. These matters constitute classified information that is specifically authorized by Executive order to be kept secret in the interest of national defense and is, in fact, properly classified pursuant to such Executive order. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of Title 5, United States Code.

For further information concerning this meeting, contact Ann Lynn Cline, Special Assistant to the CNO Executive Panel Advisory Committee, 4401 Ford Avenue, Room 601, Alexandria, Virginia 22302-0268. Phone (703) 756-1205.

Date: March 2, 1988.

W.R. Babington, Jr.,

Commander, JAGC, U.S., Navy, Federal Register Liaison Officer.

[FR Doc. 88-4962 Filed 3-7-88; 8:45 am]

BILLING CODE 3810-AE-M

Chief of Naval Operations Executive Panel Advisory Committee; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. app.), notice is hereby given that the Chief of Naval Operations (CNO) Executive Panel Advisory Committee Lower Level Conflict Task Force will meet March 23-24, 1988 from 9 a.m. to 5 p.m. each day, at 4401 Ford Avenue, Alexandria, Virginia. All sessions will be closed to the public.

The purpose of this meeting is to the employment of Naval forces in armed conflict with third world adversaries and related intelligence. These matters constitute classified information that is specifically authorized by Executive order to be kept secret in the interest of national defense and is, in fact, properly classified pursuant to such Executive order. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting, contact Ann Lynn Cline, Special Assistant to the CNO Executive Panel Advisory Committee, 4401 Ford Avenue, Room 601, Alexandria, Virginia 22302-0268. Phone (703) 756-1205.

Date: March 2, 1988.

W.R. Babington, Jr.,

Commander, JAGC, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 88-4958 Filed 3-7-88; 8:45 am]

BILLING CODE 3810-AE-M

Board of Visitors to the United States Naval Academy; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. 2), notice is hereby given that the Board of Visitors to the United States Naval Academy will meet 11 April 1988, at the U.S. Naval Academy, Annapolis, Maryland. The session, which is open to the public, will commence at 8:30 a.m. and terminate at 4:00 p.m., 11 April 1988, in Room 301, Rickover Hall.

The purpose of the meeting is to make inquiry as the Board shall deem necessary into the state of morale and discipline, the curriculum, instruction, physical equipment, fiscal affairs, and academic method of the Naval Academy.

For further information concerning this meeting contact: Capt John W. Renard, U.S. Navy, Retired, Secretary to the Board of Visitors, Dean of Admissions, United States Naval Academy, Annapolis, Maryland 21402-5017, (301) 267-4361.

Date: March 2, 1988.

William R. Babington, Jr.,

Commander, JAGC, USN, Federal Register Liaison Officer.

[FR Doc. 88-4957 Filed 3-7-88; 8:45 am]

BILLING CODE 3810-AE-M

Naval Research Advisory Committee; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App.), notice is hereby given that the Naval Research Advisory Committee will meet on March 16, 1988. The meeting will be held at the Office of the Chief of Naval Research, 800 No. Quincy Street, Arlington, Virginia. The meeting will commence at 9:30 a.m. and terminate at 4:00 p.m. on March 16, 1988. All sessions of the meeting will be closed to the public.

The purpose of the meeting is to meet in Executive Session to discuss 1988 study initiatives. The agenda will include technical briefings and discussions related to Superconductivity, Means to Detect Land Mines, Survivability of Tactical Communications in a Hostile Environment, Automation of Ship Systems, Importance of Environmental Knowledge, and the Role of Unmanned Vehicles in Support of Naval Warfare These briefing and discussions will contain classified information that is specifically authorized under criteria established by Executive Order to be kept secret in the interest of national defense and is in fact properly classified pursuant to such Executive Order. The classified and nonclassified matters to be discussed are so inextricably intertwined as to preclude opening any portion of the meeting. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(1) of Title 5, United States Code.

For further information concerning this meeting contact: Commander L.W. Snyder, U.S. Navy, Office of Naval Research, 800 North Quincy Street, Arlington, VA 22217-5000, Telephone Number: (202) 696-4870.

Date: March 2, 1988.

W.R. Babington, Jr.,

Commander, JAGC, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 88-4959 Filed 3-7-88; 8:45 am]

BILLING CODE 3810-AE-M

Intent To Grant Partially Exclusive Patent License; SOFEC, Inc.

AGENCY: Department of the Navy, DOD.

ACTION: Intent to grant partially exclusive patent license; SOFEC, Inc.

SUMMARY: The Department of the Navy hereby gives notice of intent to grant to SOFEC, Inc. a revocable, nonassignable, partially exclusive license to practice the Government-owned invention described in U.S. Patent No. 3,910,218 entitled "Propellant-Actuated Deep Water Anchor," issued October 7, 1975; inventors: Robert J. Taylor and Richard M. Beard and U.S. Patent No. 4,328,736 entitled "Fuseless Explosive Propellant Cartridge," issued May 11, 1982; inventors: Daniel G. True and Robert J. Taylor.

This license will be granted unless within 60 days from the date of this notice written objections to this grant along with supporting evidence, if any, are received by the Office of the Chief of Naval Research (Code OOCCIP), Arlington, Virginia 22217-5000.

DATE: March 8, 1988.

FOR FURTHER INFORMATION CONTACT: Mr. R. J. Erickson, Staff Patent Attorney, Office of the Chief of Naval Research (Code OOCCIP), 800 North Quincy

Street, Arlington, Virginia 22217–500, telephone (202) 696–4001.

March 2, 1988

W.R. Babington, Jr.,

Commander, JAGC, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 88–4961 Filed 3–7–88; 8:45 am]

BILLING CODE 3810-AE-M

DEPARTMENT OF EDUCATION

Strengthening Institutions and Endowment Challenge Grant Programs; Application Preparation Workshops

AGENCY: Department of Education.

ACTION: Notice of dates and locations for application preparation workshops.

SUMMARY: The Office of Postsecondary Education will conduct Application Preparation Workshops to assist fiscal year 1988 designated eligible institutions to develop applications for grants under the Strengthening Institutions and Endowment Challenge Grant Programs, Title III, Parts A and C of the Higher Education of 1965, as amended.

DATES: Workshops are scheduled to be held on March 16, 18, and 21.

ADDRESSES: The locations for the workshops are as follows:

March 16

Washington, DC, Health and Human Services Building Auditorium, First Floor, 330 Independence Avenue SW.

March 18

Kansas City, Missouri, Federal Office Building Auditorium, 601 East Twelfth Street

March 21

San Francisco, California, Federal Office Building Conference Room, 450 Golden Gate Avenue

FOR FURTHER INFORMATION CONTACT: Division of Institutional Development, Room 3042, ROB–3, U.S. Department of Education, 400 Maryland Avenue SW., Washington, DC 20202. Telephone: (202) 732–3314.

SUPPLEMENTARY INFORMATION: Each application workshop will last one day. The presentation will include a review of the requirements for filing applications and a review of the statute and program regulations. (Sections 311–314, 331–332, and 351–360 of the Higher Education Act of 1965, as amended, and 34 CFR Parts 607 and 628). Each application workshop will begin with registration at 9:00 a.m. Presentations are scheduled until 5:00 p.m. Time will be provided in the afternoon for questions and answers. There is no registration fee for the workshops.

(Catalog of Federal Domestic Assistance Number: 84.031A Strengthening Institutions Program and 84.031C Endowment Challenge Grant Program)

Dated: March 1, 1988.

C. Ronald Kimberling,

Assistant Secretary for Postsecondary Education.

[FR Doc. 88–5016 Filed 3–7–88; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Floodplain/Wetlands Statement of Findings for the Selected Rubble Landfill at the Los Alamos National Laboratory, NM

AGENCY: Department of Energy.

ACTION: Floodplain/Wetlands statement of findings.

SUMMARY: Pursuant to the regulations of 10 CFR Part 1022, DOE's "Compliance with Floodplains/Wetlands Environmental Review Requirements", the following is submitted for public review and comment. Information contained in this Statement of Findings is presented in support of the decision to locate the landfill at Sandia Canyon. The related Floodplain/Wetland Involvement Notification was published in the **Federal Register**, Vol. 53, No. 14 Page 1820, dated Friday, January 22, 1988.

DATE: Comments must be filed on or before March 23, 1988.

ADDRESS: Address any comments or requests to the Albuquerque Operations Office, Department of Energy/EHD, P.O. Box 5400, Albuquerque, New Mexico, 87115. All correspondence should refer to the project by title.

FOR FURTHER INFORMATION CONTACT: Harold E. Valencia, Area Manager, U.S. Department of Energy, Los Alamos Area Office, Los Alamos, NM 87544, (505) 667–5105.

SUPPLEMENTARY INFORMATION:

I. Project Description

The Los Alamos National Laboratory proposed project entails the construction and operation of a selected rubble landfill within a floodplain/wetlands area at Los Alamos National Laboratory. The purpose of the landfill is to provide space to dispose of non-biodegradable construction rubble as the current landfill site is non-expandable, and the expected life of the landfill dictates the need for a new site. The proposed landfill location will be in the head of Sandia Canyon approximately 0.1 south of East Jemez Road. It will be an extension of the present Los Alamos County sanitary landfill. The landfill will occupy an area approximately 2.5 acres in size. Once the proposed site has been filed, it will be compacted and leveled to the existing grade to allow for future expansion of the Laboratory facilities. The characteristics of the local terrain and the need for future facility expansion were factors used in determing the size and the location of the proposed landfill. Once the proposed site has been filled, a new site would be selected using similar selection criteria. No building facilities will be needed to complete the proposed landfill projects. A road to the site will be constructed by extending the access road to the present sanitary landfill. Materials to be buried at the site are defined as solid waste or excavated materials from Laboratory construction operations that have been culled of organic, hazardous, or other degradable or deformable materials. No materials that would lead to subsidence of the fill over an extended period or impact the air or water quality at the landfill site will be allowed. Approximately 85% of the volume needed for the proposed landfill is readily available in the immediate area.

II. Alternatives

Placement of a selected rubble landfill at Los Alamos National Laboratory is limited by the availability of land, space requirements, archaeological resources, drainage, accessability, and aesthetics. Although several sites were considered, the proposed sited is adjacent to an operating sanitary landfill which allows for easy access and provides for cost-effective burial of rubble for up to five years. In addition, this location will provide valuable space for the location of new facilities. Streamflow within the proposed site and the integrity of a marsh below the site can be maintained by means of the placement of a 400 foot long, seven-foot diameter culvert. The culvert would serve the two-fold purpose of diverting floodwaters and maintaining streamflow under normal conditions to protect the marsh. The present location of the Laboratory rubble, landfill is not expandable because of the adjacent presence of buildings and an airport; thus making a no-action alternative inoperable.

III. Mitigation

Mitigation measures will include good engineering practices that will be approved prior to construction and shall be used to prevent excessive erosion and escape of debris from the site.

Areas disturbed by construction will be reseeded by native grasses, shrubs, and trees in consultation with the Los Alamos National Laboratory-U.S. Forest Service Liaison Officer. In addition to reseeding areas to minimize sheet erosion, structural measures such as rock rip-rap surfacing, gravel surfacing, and earthberm construction will be done. A hydrological analysis performed by the Los Alamos National Laboratory allowed the proper sizing of the seven-foot diameter culvert, which will have sufficient capacity to convey the runoff from 100-year storm through the reach of Sandia Canyon adjacent to the landfill operation.

IV. Determination

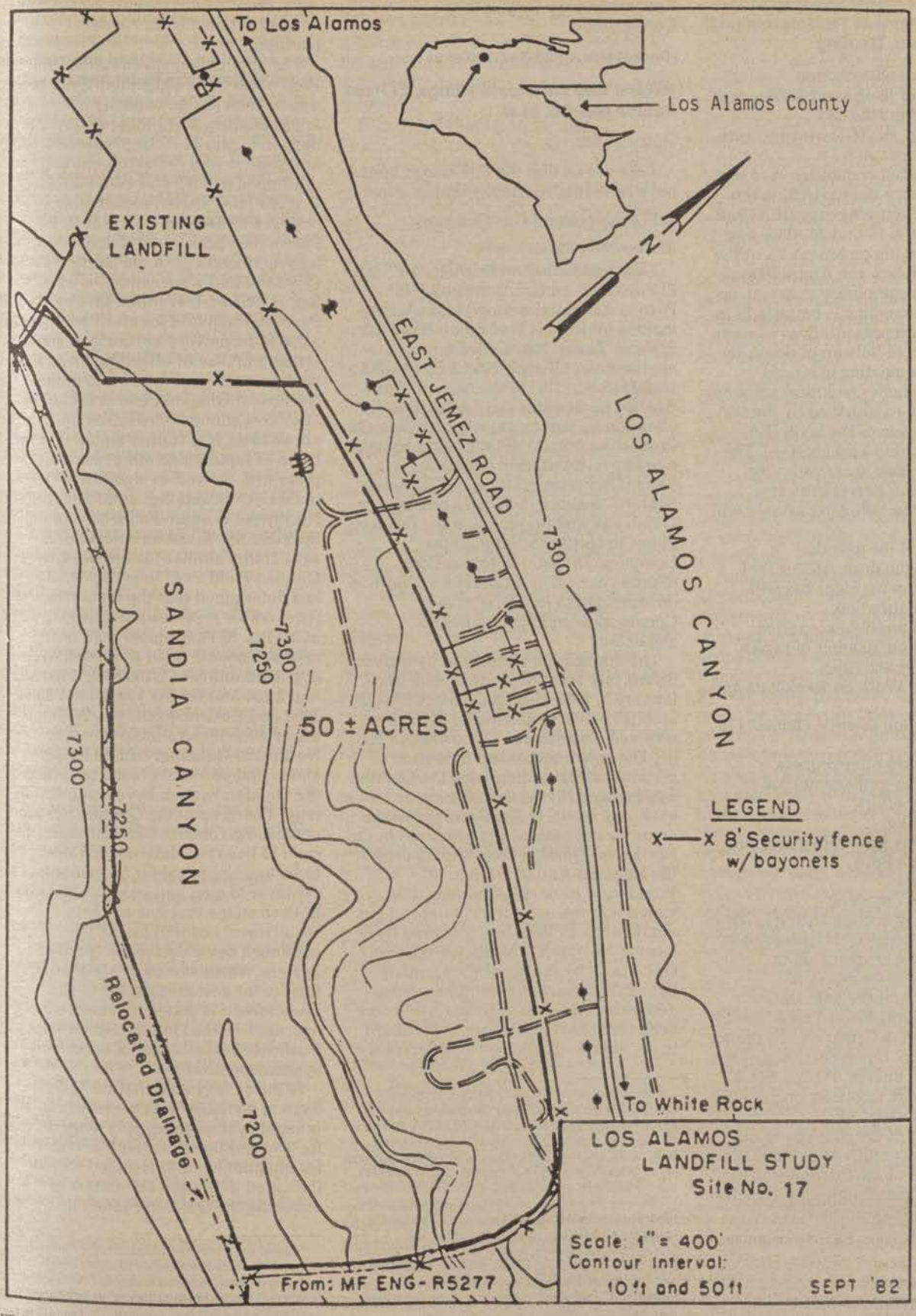
Benefits derived from the proposed selected rubble landfill have been determined to outweigh the potential for environmental impacts. As a result of its review of alternatives and evaluation of the environmental impacts, the DOE has determined that there is no practicable alternative to the proposed action and that the proposed action, as described, has been designed to minimize harm to and within the floodplain and wetlands. All actions will be in conformity with local ordinances.

Dated: February 29, 1988.

Troy E. Wade II,

Acting Assistant Secretary, Defense Programs Department of Energy.

BILLING CODE 6450-01-M



[FR Doc. 88-5049 Filed 3-7-88; 8:45 am]

BILLING CODE 6450-01-C

Voluntary Agreement and Plan of Action To Implement The International Energy Program; Meeting

In accordance with section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (42 U.S.C. 6272(c)(1)(A)(i)), the following meeting notice is provided:

A meeting of Subcommittee A of the Industry Advisory Board (IAB) to the International Energy Agency (IEA) will be held on March 15 and 16, 1988, and possibly continuing on March 17, at the offices of the IEA, 2, rue Andre Pascal, Paris, France, beginning at 2:30 p.m. on March 15. This meeting is being held in order to permit representatives of some of the members of Subcommittee A to participate in a meeting of a joint government/industry technical subgroup which has been established by the IEA for the preparation of the sixth IEA Allocation Systems Test (AST–6). The agenda for the meeting is under the control of the IEA Secretariat. It is expected that the following agenda will be followed:

1. Adoption of the agenda.
2. Review of the draft AST–6 Test Guide. The following elements will require special attention:
   a. Scope and possible scenarios.
   b. Test duration/number of cycles.
   c. Sequence of activities.
   d. Timetable: Work on weekends and holidays.
   e. Consideration of price elements in AST–6.
   f. The voluntary offer process.
   g. Random non-implementation of some voluntary offers.
3. ISAG staffing.
4. Preparations for briefing sessions.
5. Supply Data Book.
6. Other issues.
7. Date of next meeting.

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act, this meeting is open only to representatives of members of Subcommittee A of the IAB, their counsel, representatives of members of the IEA's Standing Group on Emergency Questions (SEQ), representatives of the Departments of Energy, Justice, State, the Federal Trade Commission, and the General Accounting Office, representatives of Committees of the Congress, representatives of the IEA, representatives of the Commission of the European Communities, and invitees of the IAB, the SEQ, or the IEA.

Issued in Washington, DC, March 2, 1988.

Eric J. Fygi,

Acting General Counsel.

[FR Doc. 88–5048 Filed 3–7–88; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket Nos. CP88–244–000 et al.]

Natural Gas Certificate Filings; El Paso Natural Gas Co. et al.

March 2, 1988.

Take notice that the following filings have been made with the Commission:

1. El Paso Natural Gas Company

[Docket No. CP88–244–000]

Take notice that on February 18, 1988, El Paso Natural Gas Company ("El Paso"), a Delaware corporation, whose mailing address is Post office Box 1492, El Paso, Texas, 79978, filed an application at Docket No CP88–244–000, under section 7(b) of the Natural Gas Act, for permission and approval to (i) abandon by conveyance to Meridian Oil Production Inc. (MOPI) certain existing pipeline and metering facilities, hereinafter referred to as the "Quinlan System," located in Woodward County, Oklahoma and (ii) abandon the delivery of gas to Northern Natural Gas Company, Division of Enron Corp. (Northern),[1] all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that by orders issued July 18, 1973, as amended, and January 2, 1975 at Docket Nos. CP73–220 and CP75–102, respectively, El Paso received Commission authorization for: (i) The construction and operation of certain facilities comprising the Quinlan System; and (ii) the delivery, on an exchange basis, to Northern of certain quantities of natural gas produced in the Northwest Quinlan Field supply area of the Hugoton-Andarko Basin in Woodward County, Oklahoma. It is stated that the quantities of natural gas obtained by El Paso are delivered by El Paso to Northern in Woodward County, Oklahoma, by means of the Quinlan System as a part of the total exchange quantities which El Paso has heretofore been authorized to deliver to Northern in accordance with the "1963 Services Agreement" dated August 17, 1962, as amended, between El Paso and Northern.

The application states further that El Paso notes that the Quinlan System has a maximum design capacity of approximately 8,470 Mcf per day. El Paso indicates that the production tests and reserve and deliverability data developed in 1972 and 1973 indicated that the total proven recoverable gas reserves underlying a portion of El Paso's then present total dedicated leasehold acreage in the Northwest Quinlan Field were estimated at 26.4 Bcf. However, it is stated that by 1975 El Paso was required to install and operate a 350 horsepower field compressor unit for the purpose of offsetting the rapidly declining reservoir pressures in the Northwest Quinlan Field and thereby enable continued production from the above area. It is further stated that this trend of rapidly declining reservoir pressures, as well as significant reductions in supplies available from the Northwest Quinlan Field, has continued. Specifically, based on reserve and availability studies for the Northwest Quinlan Field as of July 1, 1986, El Paso has determined that the remaining recoverable reserves are now estimated at 8.3 Bcf. El Paso states that these reserves equate to an estimated average day availability of 2,400 Mcf, 2,300 Mcf and 2,200 Mcf for the years 1987, 1988, 1989 and 1990, respectively. With the lower volumes available from the Northwest Quinlan Field, El Paso's states that unit costs in the operation of the Quinlan System have continued to rise.[2] Based upon the Quinlan System's decreasing volumes and increasing unit cost, El Paso has determined the system to be uneconomical for El Paso to continue to own and operate. Moreover, El Paso states that low market requirements cannot justify the continued operation of the Quinlan System, which serves as a gathering facility for a small quantity of gas. Therefore, it is stated that continued operation of the Quinlan System would frustrate El Paso's goal of optimizing system operations.

El Paso concluded that the Quinlan System no longer was necessary as an integral system gas supply acquisition facility and therefore, was a candidate for abandonment. It is stated that MOPI indicated to El Paso an interest in acquiring the Quinlan System to

[1] Specifically, the Quinlan System includes: (i) One (1) 350 horsepower field compressor unit; (ii) approximately 28.72 miles of 6–5/8" O.D. pipeline; (iii) approximately 23.30 miles of 4–½" O.D. and 6–⅝" O.D. well-tie and gathering pipelines; (iv) one (1) 10 MMcf/d dehydration facility; and (v) one (1) dual 4–½" O.D. meter station. Only the facilities set forth under Items (ii) and (v) above are subject to the instant abandonment application. The facility under Item (i) will be abandoned under the provisions of El Paso's blanket authority at Docket No. CP822–435 and the facilities under Items (iii) and (iv) are non–jurisdictional, affect no jurisdictional services, other than those described herein, and thus require no abandonment authorization.

[2] Based upon the operating costs for the twelve (12) months ended November 30 ,1987, which includes depreciation and excludes return and taxes, and assuming an estimated average day availability of 2,400 Mcf. Applicant's unit rate is $0.3795.

facilitiate its existing and future gas acquisition and marketing efforts in the proximity of said system. It is stated that as a result of MOPI's interest in the Quinlan system, El Paso and MOPI have entered into an Agreement of Sale Concerning the Quinlan Field Plant and Gathering System dated January 29, 1988 ("Agreement"). El Paso states it agreed to sell the Quinlan System to MOPI at a sales price of $100,000.00. Accordingly, El Paso herein proposes to abandon by conveyance to MOPI: (1) Approximately 28.72 miles of 6-5/8" O.D. pipeline; and (2) one (1) dual 4-½" O.D. meter station. MOPI will continue to operate the Quinlan System as a gathering facility. However, it is stated that MOPI will not enter into any jurisdictional exchange agreements with any interstate pipelines. It is stated that abandonment of the Quinlan System will have a *de minimis* effect upon El Paso's system gas supply activities, as well as the existing exchange arrangement with Northern.[3] Further, it is stated that the proposed abandonment will have no significant effect upon EL Paso's ability to render natural gas service to its customers in the same manner as existed prior to the subject abandonment. Finally, it is further stated there will be no adverse environmental effects upon effectuation of the abandonment proposed herein. It is indicated that the proposed abandonment will not require any change in El Paso's FERC Gas Tariff, and no material change in El Paso's average cost-of-service will result therefrom.

Comment date: March 23, 1988, in accordance with Standard Paragraph F at the end of this notice.

2. Northern Natural Gas Company, Division of Enron Corporation

[Docket No. CP85-511-003]

Take notice that on February 12, 1988, Northern Natural Gas Company, Division of Enron Corporation (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP85-511-003 a petition to amend the Commission order issued February 24, 1987, in Docket Nos. CP85-511-000 and CP85-511-001 so as to change the effective date of Northern's General Service Rate Schedule (Rate Schedule GS-1) and to request rate approval in accordance with that originally proposed in Northern's Stipulation and Agreement of Settlement at Docket No. RP82-71-000 [Docket No. RP82-71-000 settlement), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is stated that by order issued February 24, 1987, in Docket Nos. CP85-511-000 and CP85-511-001, Northern was granted authorization to establish Rate Schedule GS-1. It is indicated that such order granted authority for Rate Schedule GS-1 to become effective October 27, 1985, instead of March 27, 1985, as requested.

Nothern is presently requesting authorization to permit an effective date of March 27, 1985, as agreed to in the Docket No. RP82-71-000 settlement. Northern states that the March 27, 1985, effective date was an integral part of the settlement negotiated by all parties to the Docket RP82-71-000 Settlement and that this proposed effective date would result in great benefit to Northern's firm entitlement customers by further providing an economical source of natural gas from March 27, 1985, to October 27, 1985.

Northern also requests rate approval in accordance with that originally proposed in the Docket No. RP82-71-000 settlement. It is stated that such rate derivation is included in Exhibit P to this petition to amend and that this rate would be effective for the limited term from March 27, 1985, to October 26, 1985. No other changes are proposed.

Comment date: April 18, 1988, in accordance with Standard Paragraph G at the end of this notice.

3. Columbia Gas Transmission Corporation

[Docket No. CP88-226-000]

Take notice that on February 5, 1988, Columbia Gas Transmission Corporation (Applicant), 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25314, filed in Docket No. CP88-226-000 an application pursuant to section 7 of the Natural Gas Act for permission and approval to abandon sales service in excess of its wholesale customers' currently effective Seasonal Entitlements, for authorization to implement a new rate schedule for interruptible sales service, and for blanket authorization to increase and decrease seasonal levels of service to serve future increases and decreases in Seasonal Entitlements on a firm basis, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant proposes the following changes in its current levels of service and effective tariff:

1. To authorize the seasonal level of service for each wholesale customer at a level equivalent to the customer's currently effective Seasonal Entitlements, stated separately for the Winter Season and the Summer Season, thereby abandoning any obligation Applicant may have to provide sales service in excess of the Seasonal Entitlement level;

2. To include a new rate schedule in its tariff for seasonal sales overruns, pursuant to which Applicant would deliver on an interruptible basis quantities of gas in excess of Seasonal Entitlements; and

3. To adjust from time to time, on a self-implementing basis, its authorized seasonal levels of service for each wholesale customer within that customer's Contract Demand level as necessary to correspond to future increases and decreases in the customer's Seasonal Entitlements made in accordance with Applicant's FERC Gas Tariff.

Applicant submits that the requested abandonment and certificate authorizations are required by the public convenience and necessity since these proposals are consistent with the Commission's order in Docket No. RP87-93-000, which indicated that any sales made by Applicant in excess of its customers' Seasonal Entitlements would constitute interruptible service and that Applicant's firm sales obligation on a seasonal basis necessarily must be limited to its customers' Seasonal Entitlements. Applicant states it has never been in a position to serve its customers' daily contract demands every day of the year, and that while it recognizes that it must stand ready to supply the Total Daily Entitlements of its customers on any given day, it has never had either the gas supplies or the transmission capacity necessary to serve the aggregate of its customers' contract demands every day of the year.

Applicant claims that the ability of its customers to purchase substantial portions of their requirements from sources other than Applicant has resulted in the customers using Applicant as a backstop for their other sources of supply, and that as a result it is seeking to establish a sales obligation which bears some logical resemblance to customers' anticipated needs for gas supply from Applicant.

Applicant states that after its firm sales obligation has been defined a mechanism will be needed to enable Applicant to accommodate requests by

[3] The existing exchange point between El Paso and Northern will be retained under the "1963 Services Agreement" dated August 17, 1962, as amended, between El Paso and Northern until such time as El Paso no longer has gas available for exchange delivery at such point.

its wholesale customers for service in excess of their Seasonal Entitlements. Applicant therefore proposes to estabiish Rate Schedule SO to provide seasonal overrun services in essentially the same way it uses its Rate Schedule SR to deliver quantities of gas on a daily basis in excess of its customers' certificated contract demands. It is claimed that Rate Schedule SO is similar in all respects to Applicant's Rate Schedule SR except that it would accommodate seasonal overruns instead of daily overruns. It is stated that deliveries by Applicant under Rate Schedule SO would be made on an interruptible basis, with the gas being priced at the then-effective 100 percent load-factor rate under Rate Schedules CDS and G and that the service would have the same priority as interruptible transportation service.

Applicant states that section 16 of the General Terms and Conditions its FERC Gas Tariff provides its wholesale customers with the right to increase or decrease their Seasonal Entitlements, subject to certain conditions and limitations, and that section 16 also provides that Applicant may accommodate a requested increase in Seasonal Entitlements whenever and to the extent the increase will not adversely impact its ability to render adequate service to other customers under its firm service rate schedules.

Applicant claims that if it is permitted to reduce its certificated levels of service, authorization would then be required to adjust its levels of service each time it grants an increase or decrease in Seasonal Entitlements and that Applicant would be precluded from serving any increase or decrease in firm Seasonal Entitlements until it receives authorization from the Commission. Applicant anticipates that this process could place a substantial burden upon the Commission and its staff, as well as upon Applicant and its customers, and to obviate the need for the preparation and the processing of numerous applications requesting specific authorization to effectuate minor changes in authorized services, Applicant requests blanket authority to increase, and pre-granted abandonment authority to decrease, its certificated seasonal levels of service. Applicant proposes in this regard to automatically adjust, on a self-implementing basis, its seasonal firm sales obligation to accommodate increases or decreases in Seasonal Entitlements and that no later than 30 days after the effective date of any such increase or decrease, Applicant would file the revised service agreement and the revised tariff sheets necessary to conform its Index of Entitlements with the Commission, which would serve as notice to the Commission, Applicant's customers, and the general public.

Comment Date: March 23, 1988, in accordance with Standard Paragraph F at the end of this notice.

4. Williams Natural Gas Company

[Docket No. CP88–233–000

Take notice that on February 12, 1988, Williams Natural Gas Company (WNG), P.O. Box 3288, Tulsa, Oklahoma 74101, filed in Docket No. CP88–233–000, a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (NGA) (18 CFR 157.205) for authorization to construct and operate an additional delivery point, consisting of measuring, regulating and appurtenant facilities, in Johnson County, Missouri, for the sale and delivery of gas to The Kansas Power and Light Company (KPL Gas Service), under the authorization issued in Docket No. CP82–479–000, pursuant to section 7 of the NGA, all as more fully set forth in the request on file with the Commission and open to public inspection.

WNG state KPL Gas Service has requested this additional delivery point in order to serve certain space heating requirements at Whiteman Air Force Base. It is stated that, the projected volume of delivery through these facilities is approximately 1,486 Mcf the first year and 21 Mcf on a peak day increasing to 31,812 Mcf annually and 141 Mcf on a peak day by the third year. It is estimated that the total cost of the facilities is $13,220, which will be paid from available cash.

WNG states that this change is not prohibited by an existing tariff and it has sufficient capacity to accomplish the deliveries specified without detriment or disadvantage to its other customers.

Comment date: April 18, 1988, in accordance with Standard Paragraph G at the end of this notice.

5. Northwest Pipeline Corporation

[Docket No. CP88–201–000]

Take notice that on January 19, 1988, as supplemented February 16, 1988, Northwest Pipeline Corporation (Northwest), 295 Chipeta Way, Salt Lake City, Utah 84108, filed in Docket No. CP88–201–000, a request pursuant to §§ 157.205 and 157.212(a) of the Regulations under the Natural Gas Act (18 CFR 157.205(b) and 157.212(a)) for authorization to add a new transportation receipt point and a new delivery point for Mountain Fuel Resources, Inc. (MFR), an existing customer of Northwest's, under the blanket authorization issued September 1, 1982, to Northwest in Docket No. CP82–433–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

It is stated that by Commission order issued November 24, 1982, in Docket No. CP82–149–000 (21 FERC ¶62,310), Northwest was authorized to transport, on an interruptible basis, up to 35,000 MMBtu equivalent of natural gas per day for MFR pursuant to a March 27, 1981, transportation and exchange agreement (agreement). Specifically, the gas acquired by MFR in the designated Patterson Canyon and Bug Field areas of southeastern Utah and tendered to Northwest at the Dove Creek receipt point on Northwest's mainline would be transported by Northwest and delivered to MFR at the Piceance Creek delivery point in Rio Blanco County, Colorado.

It is also stated that Northwest and MFR entered into an amendment dated October 1, 1987, to the agreement to add the Papoose interconnect in Dolores County, Colorado, as a new receipt point and the Crossover 16 interconnect in Sweetwater County, Wyoming, as a new delivery point.

Northwest states that MFR is presently purchasing gas in the Bug Field and Patterson Canyon area which is processed at the Dove Creek processing plant and then delivered to Northwest at Dove Creek, the original transportation receipt point under the agreement. Inasmuch as a portion of this gas is pipeline qualify dry gas, the producers selling to MFR want it delivered directly to Northwest and to bypass the processing plant. The addition of Papoose as a second receipt point would allow the subject gas to bypass this plant. Northwest also states that MFR has informed Northwest that approximately 2,000 MMBtu equivalent of natural gas per day of the approximately 8,000 MMBtu equivalent of natural gas per day currently being transported under the agreement would be delivered to Northwest at the Papoose receipt point instead of at the existing Dove Creek receipt point.

Northwest states that MFR supplies natural gas through two components of its system, a northern component and a southern component. The original transportation delivery point under the agreement is located on MFR's southern system.

It is Northwest's understanding that MFR has an excess supply of natural gas on its southern system so that the addition of the Crossover 16 delivery point on MFR's northern system would

allow MFR the flexibility of utilizing the subject natural gas on its system where it is needed the most. It is also stated that currently, when it is not needed on MFR's southern system, approximately 8,000 MMBtu equivalent of natural gas per day is being transported under the agreement for delivery to the Crossover 16 delivery point for use on MFR's northern system.

Northwest requests authority to utilize these new points under the agreement in order to provide MFR additional flexibility both in tendering its supplies in the Patterson Canyon and Bug Field areas of southeastern Utah to Northwest for transportation and in taking deliveries of transported volumes.

It is alleged that the total quantity of natural gas to be transported for MFR would not exceed the currently authorized maximum quantities of 35,000 MMBtu equivalent of natural gas per day for MFR pursuant to a March 27, 1981, transportation and exchange agreement. During 1987, Northwest transported an average of approximately 7,183 MMBtu equivalent of natural gas per day for MFR under the agreement. Northwest states that the proposed interruptible deliveries would have no significant impact on Northwest's peak day and annual deliveries.

Northwest asserts that it has sufficient existing mainline capacity to accomplish the deliveries at the proposed additional delivery point without detriment or disadvantage to any of its existing customers. Northwest also states that the proposed delivery point addition is not prohibited by Northwest's existing tariff.

Comment date: April 18, 1988, in accordance with Standard Paragraph G at the end of this notice.

6. Northern Natural Gas Company, a Division of Enron Corp.

[Docket No. CP88-240-000]

Take notice that on February 18, 1988, Northern Natural Gas Company, a Division of Enron Corp. (Northern) 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP88-240-000, pursuant to § 284.223 of the Regulations under the Natural Gas Act (NGA) for authorization to transport natural gas on behalf of Shell Gas Trading Company (Shell Gas), a marketer of natural gas, under the blanket certificated issued in Docket No. CP86-435-000, pursuant to section 7 of the NGA, all as more fully set forth in the request on file with the Commission and open to public inspection.

Pursuant to a Gas Transportation Agreement dated January 24, 1988, Northern will transport up to 50,000 MMBtu/d for Shell Gas from one point of receipt to Texas offshore to one point of delivery in Texas. Construction of facilities will not be required to provide the proposed service.

Comment date: April 18, 1988, in accordance with Standard Paragraph G at the end of this notice.

7. Northern Border Pipeline Company

[Docket No. CP88-250-000]

Take notice that on February 23, 1988, Northern Border Pipeline Company (Northern Border), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP88-250-000, a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act (NGA) (18 CFR 157.205) and the Natural Gas Policy Act (NGPA) (18 CFR 284.223) for authorization to provide a transportation service for Petrorep (Canada) Ltd. (Petrorep) a marketer, under the certificate issued in Docket No. CP86-395-000 and 001 pursuant to section 7(c) of the NGA, all as more fully set forth in the request on file with the Commission and open to public inspection.

Northern Border states that pursuant to an IT-1 Transportation Agreement dated December 15, 1987, it proposes to transport natural gas for Petrorep from a point of receipt located near Port of Morgan, Montana, to delivery points interconnecting Northern Border and Northern Natural Gas Company, the immediate downstream transporter.

Northern Border further states that the maximum daily and annual quantities would be 25,000 MMBtu and 8,100,000 MMBtu, respectively. Northern Border asserted that service under § 284.223(a) commenced January 12, 1988, as reported in Docket No. ST88-2189-000.

Comment date: April 18, 1988, in accordance with Standard Paragraph G at the end of this notice.

8. Northern Border Pipeline Company

[Docket No. CP88-251-00

Take notice that on February 23, 1988, Northern Border Pipeline Company (Northern Border), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP88-251-000, a prior notice request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations for authorization to provide a transportation service for Dyco Gas Marketing (Dyco), a marketer, under the certificate issued in Docket Nos. CP86-395-000 and CP86-395-001, all as more fully set forth in the request on file with the Commission and open to public inspection.

Northern Border states that pursuant to an IT-1 Transprotation Agreement dated December 15, 1987, it proposes to transport natural gas for Dyco from a point of receipt located near Port of Morgan, Montana, to delivery points interconnecting Northern Border and Northern Natural Gas Company, the immediate downstream transporter.

Northern Border further states that the maximum daily and annual qualities would be 100,000 MMBtu and 36,500,000 MMBtu, respectively. Northern Border asserted that service under § 284.223(a) commenced January 1, 1988, as reported in Docket No. ST88-1920-000.

Comment date: April 18, 1988, in accordance with Standard Paragraph G at the end of this notice.

9. Northern Border Pipeline Company

[Docket No. CP88-252-000]

Take notice that on February 23, 1988 as supplemented February 25, 1988, Northern Border Pipeline Company (Northern Border), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP88-252-000, a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 284.223) for authorization to provide a transportation service for Placer CEGO Petroleum, a Division of Placer Dome Inc. (Placer Dome), a producer, under the certificate issued in Docket No. CP86-395-000 and CP86-395-001 pursuant to section 7(c) of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Northern Border states that pursuant to a transportation agreement dated November 27, 1987, it proposes to transport natural gas for Placer Dome from a point of receipt located near Port of Morgan, Montana, to four specified delivery points located in Iowa, Minnesota, North Dakota and South Dakota interconnecting Northern Border and northern Natural Gas Company, the immediate downstream transporter. Northern Border also indicates that the transportation agreement provides that it would charge the rates and abide by the terms and conditions set forth in its Rate Schedule IT-1.

Northern Border further states that the average day, maximum day, and annual quantities would be 25.0 billion Btu, 25.0 billion Btu, and 8,100 billion Btu, respectively. Northern border asserted that service under § 284.223(a) commence January 21, 1988, as reported in Docket No. ST88-2189-000.

Comment date: April 18, 1988, in accordance with Standard Paragraph G at the end of this notice.

10. Arkla Energy Resources, a Division of Arkla, Inc.

[Docket No. CP88-237-000]

Take notice that on February 16, 1988, Arkla Energy Resources, a Division of Arkla, Inc. (AER), P.O. Box 21734, Shreveport, Louisiana 71151, filed in Docket No. CP88-237-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to establish and operate an additional delivery point for sales service to a refinery owned by Calumet Industries, Inc. (Calumet), in Bossier Parish, Louisiana, under the certificate issued in Docket Nos. CP82-384-000 and CP82-384-001 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the application that is on file with the Commission and open to public inspection

AER states that Calumet has installed a hydro treating facility that will increase the peak requirements of the Calumet refinery to approximately 6,500 MMBtu per day. It is stated that AER and Calumet have entered into agreements providing for the delivery to Calumet of volumes up to that amount through a combination of sales from AER's system supply and volumes purchased from other suppliers and transported by AER to Calumet.

AER further states that, because of capacity constraints at AER's existing delivery point and increased pressure requirements for the volumes to be used in the hydro treating facility, it has installed at an estimated cost of $93,167 a new 4-inch tap and appurtenant facilites downstream of the existing delivery point to the Calumet refinery. AER asserts that it has constructed these facilities pursuant to section 311 of the Natural Gas Policy Act of 1978 and has transported volumes to the Calumet plant through the new tap for the purpose of testing the hydro treating facility. AER requests authorization to operate said tap and appurtenant facilities under section 7(c) of the Natural Gas Act and establish these facilities as a new sales delivery point so that it can also deliver to Calumet sales gas to be used in the hydro treating facility.

Comment date: April 18, 1988, in accordance with Standard Paragraph G at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person on the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to interene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-5055 Filed 3-7-88; 8:45 am]

BILLING CODE 6717-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Privacy Act of 1974; Proposed Amended Systems of Records and Final Amendment to a System of Records

AGENCY: Federal Deposit Insurance Corporation ("FDIC").

ACTION: Notice of proposed amended systems of records—Financial Institutions Investigative and Enforcement Records System (formerly Bank and Proposed Bank Irregularity Records System), Changes in Bank Control Ownership Records, and Municipal Securities Dealers and Government Securities Brokers/Dealers Personnel Records (formerly Municipal Securities Principals and Representatives System); and final amendment to a system of records—Telephone Call Detail Records.

SUMMARY: The FDIC is issuing in proposed form amendments to three of its existing Privacy Act systems of records and in final form an amendment to another system. First, the FDIC proposes to broaden its system related to those individuals who have been involved in reported irregularities at FDIC-insured banks and individuals who have been the subject of background checks bearing on an individual's fitness to be involved with FDIC-insured banks so that the system will no longer be limited to FDIC-insured institutions.

Second, the FDIC is proposing to amend its system related to individuals who have been involved in the change of bank control or ownership in FDIC-insured banks to reflect that the scope of the information actually contained in the system is less than the notice of the existing system indicates and that all information contained in the system is public.

Third, the FDIC is proposing to amend its existing Privacy Act system of records related to persons who are or seek to be municipal securities principals and representatives associated with municipal securities dealers which are insured state nonmember banks so that it will encompass certain information about associated persons of government securities brokers and dealers which are insured state nonmember banks. The forms containing the information about government securities brokers and dealers are required by Department of the Treasury regulations issued under the Government Securities Act of 1986, effective July 25, 1987. Because of the

similarities between the Forms G–FIN–4 and G–FIN–5 for government securities brokers and dealers and Forms MSD–4 and MSD–5 for municipal securities principals and representatives, the existing system is a logical location into which to integrate Forms G–FIN–4 and G–FIN–5.

Finally, the FDIC is amending in final form its recently established Telephone Call Details Records system to limit disclosures under routine use no. 6 of that system to federal agencies exclusively, when a request for information is made in connection with the hiring or retention of an employee.

DATES: Comments on the amendments to system FDIC 30–64–0002, FDIC 30–64–0004, and FDIC 30–64–0016 must be submitted by April 7, 1988. The amendments will become effective May 23, 1988, unless a superseding notice to the contrary is published before that date. The amendment to system FDIC 30–64–0020 is effective on March 8, 1988.

ADDRESSES: Comments should be addressed to Hoyle L. Robinson, Executive Secretary, FDIC, 550 17th Street, NW., Washington, DC 20429, or hand-delivered to Room 6108 of the same address between 9:00 a.m. and 5:00 p.m., Monday-Friday. Comments are available for public inspection.

FOR FURTHER INFORMATION CONTACT: Robert E. Feldman, Assistant Executive Secretary, FDIC, 550 17th Street, NW., Washington, DC 20429, telephone (202) 898–3811.

SUPPLEMENTARY INFORMATION: As part of its continuing review of its Privacy Act systems of records, the FDIC is proposing to amend three of its existing systems of records and is amending in final form another system. First, the FDIC is proposing to amend its Bank and Proposed Bank Irregularity Records System. Currently, the system covers records about individuals who have been involved in reported irregularities at FDIC-insured banks and individuals who have been subject of background checks bearing on an individual's fitness to be a director, officer, employee, or controlling shareholder of an FDIC-insured bank. The amended system will be entitled "Financial Institutions Investigative and Enforcement Records System" and will cover the same types of materials as the existing system except that the categories of covered individuals will be expanded from those who are or wish to be associated with FDIC-insured banks to those who are or wish to be associated with any type of financial institution.

Secondly, the existing Changes in Bank Control Ownership Records system will be amended to reflect the fact that much of the information listed in "Categories of records in the system" in the existing system notice has in practice not been filed in the system. The information contained in the system has been limited to the information contained on Form FDIC 6620/06, entitled "Notice of Acquisition of Control and Changes in Bank Ownership," the contents of which are described under "Categories of records in the system" in setting out the proposed amended sytem below. The amended system will reflect the actual FDIC recordkeeping practice and will also complement § 309.4(d)(2) of the FDIC's regulations (12 CFR 309.4(d)(2)). Section 309.4(d)(2) provides that certain information about notices filed with the FDIC pursuant to the Change in Bank Control Act of 1978 will be made available, upon request of any member of the public, at the appropriate FDIC regional office. The amended system will contain exactly that information available under § 309.4(d)(2) in a form indexed by name of the acquiring person(s).

Third, the FDIC is proposing to amend its system of records regarding persons who are or seek to be municipal securities principals and representatives associated with municipal securities dealers which are insured state nonmember banks. The Treasury Department has adopted a rule (17 CFR 400.4) that requires every associated person (as defined in 17 CFR 400.3(c)) of a financial institution that is a government securities broker or dealer to file with such financial institution a completed Form G–FIN–4, unless such person has on file with such financial institution a completed and current Form U–4 or Form MSD–4, which are forms required by associated persons of broker/dealers and bank municipal securities dealers. Further, every government securities broker or dealer that is a financial institution is required to file such forms, within 10 days after receipt, with its appropriate regulatory agency. In addition, when an associated person's employment or association with a financial institution is terminated, notification of termination (Form G–FIN–5) is required to be filed with the financial institution's appropriate regulatory agency within 30 days after termination unless the financial institution has filed a Form U–5 or MSD–5 with respect to such person. In accordance with section 3(a)(34)(G) of the Securities Exchange Act of 1934, as amended by the Government Securities Act of 1986, the FDIC is the appropriate regulatory agency for FDIC-insured banks other than a member of the Federal Reserve System or a federal savings bank. While the FDIC has generally been responsible for the supervision of insured, state-licensed branches of foreign banks, section 3(a)(34)(G) specifically names the Federal Reserve Board as the appropriate regulatory agency for such branches with respect to government securities brokers or dealers.

Similarly, under rules of the Municipal Securities Rulemaking Board ("MSRB"), financial institutions that are municipal securities dealers must obtain and verify information regarding associated persons' work history, background, and professional qualifications. The FDIC, OCC, and the Federal Reserve Board developed Forms MSD–4 and MSD–5 for reporting information on associated persons of municipal securities dealers that are banks and arranged for the National Association of Securities Dealers, Inc. ("NASD") to operate a central computerized records system, which would be separate from but comparable to that maintained for securities industry personnel. Each agency separately adopted a Privacy Act system of records with respect to the institutions it supervises at the time the arrangements with NASD were made. The system of records currently maintained by the FDIC for persons engaged in municipal securities dealer activities, as required by rules of the MSRB, is well suited for the maintenance of forms relating to persons associated with financial institutions are government securities brokers or dealers, as is required by Treasury Department regulations.

Finally, the FDIC is changing the scope of routine use no. 6 of its recently adopted Telephone Call Detail Records system. Routine use no. 6 currently permits information in the system to be disclosed in response to a federal, state, local, or private employer's request made in connection with the hiring or retention of an employee or, in the case of a government agency, the letting of a contract or issuance of a grant, license, or other benefit. In accordance with Office of Management and Budget requirements, the scope of the routine use is hereby limited to disclosures to federal agencies exclusively. Accordingly, the FDIC proposes to adopt the amended systems of records, FDIC 30–64–0002, FDIC 30–64–0004, and FDIC 30–64–0016, and adopts in final form the amendment to system or records, FDIC 30–64–0020, as set forth below

FDIC 30-64-0002

SYSTEM NAME:

Financial Institutions Investigative and Enforcement Records System.

SYSTEM LOCATION:

Supervision, Enforcement & Surveillance Branch, Division of Bank Supervision, FDIC, 550 17th Street, NW., Washington, DC 20429.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Individuals who participate or have participated in the conduct of or who are or were connected with financial institutions, such as directors, officers, employees, and customers, and who have been named in criminal referrals, investigatory records, or administrative enforcement orders or agreements. Financial institutions include banks, savings and loan associations, credit unions, and other similar institutions, whether or not federally insured and whether or not established or proposed.

(2) Individuals, such as directors, officers, employees, proponents, controlling shareholders, or person seeking control of financial institutions, who are the subject of background checks designed to uncover criminal activities bearing on the individual's fitness to be a director, officer, employee, or controlling shareholder.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains, as pertinent, interagency or intra-agency correspondence or memoranda; criminal referral reports; newspaper clippings; federal, state, or local criminal law enforcement agency investigatory reports, indictments and/or arrest an conviction information; and administrative enforcement orders or agreements. Certain records contained in this system (principally criminal investigation reports prepared by the Federal Bureau of Investigation, Secret Service, and other federal law enforcement agencies) are the property of those agencies. Upon receipt of a request for such records, the FDIC will immediately notify the proprietary agency of the request and seek guidance with respect to disposition. The FDIC may forward the request to that agency for processing in accordance with that agency's regulations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 5, 6, 7, 8, 9, 18, and 19 of the Federal Deposit Insurance Act (12 U.S.C. 1815, 1816, 1817, 1818, 1819, 1828, 1829).

ROUTINE USES OF RECORDS MAINTAINED (OTHER THAN PROPRIETARY RECORDS OF ANOTHER AGENCY) INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in the system may be disclosed:

(1) To a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal proceedings.

(2) To the appropriate federal, state, or local agency or authority responsible for investigating or prosecuting a violation of or for enforcing or implementing a statute, rule, regulation, or order when the information indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto.

(3) To a congressional office in response to an inquiry made at the request of the individual to whom the record pertains.

(4) To a financial institution affected by enforcement activities or reported criminal activities.

(5) To other financial institution supervisory authorities.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on file cards, in file folders, and on computer discs.

RETRIEVABILITY:

Indexed by name of the individual.

SAFEGUARDS:

Index cards and file folders are maintained in lockable metal file cabinets; computer discs are accessed only by authorized personnel.

RETENTION AND DISPOSAL:

Records are retained for ten years from the date of the creation of the record, then destroyed by shredder. Records contained on computer discs are retained until no longer needed.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, Supervision, Enforcement & Surveillance Branch, Division of Bank Supervision, FDIC, 550 17th Street, NW., Washington, DC 20429.

NOTIFICATION PROCEDURE:

Requests must be in writing and addressed to the Office of the Executive Secretary, FDIC, 550 17th Street, NW, Washington, DC 20429. Individuals requesting their own records must provide their name and address and a notarized statement attesting to the individual's identity.

RECORD ACCESS PROCEDURE:

Same as "Notification" above.

CONTESTING RECORD PROCEDURES:

Same as "Notification" above.

RECORD SOURCE CATEGORIES:

Financial institutions; financial institution supervisory or regulatory authorities; newspapers; criminal law enforcement and prosecuting authorities.

SYSTEMS EXEMPTED FROM CERTAIN PROVISION OF THE ACT.

Pursuant to § 310.13(a) of the FDIC's rules and regulations, investigatory material compiled as part of this system for law enforcement purposes is exempted from the provisions of § 310.10(d)(2) of the FDIC's rules and regulations and may be withheld from disclosure to the extent that such withholding is permissible under any of the exemptive provisions of the Freedom of Information Act (5 U.S.C. 552). Federal criminal law enforcement investigatory reports maintained as part of this system may be the subject of exemptions imposed by the originating agency pursuant to 5 U.S.C. 552a(j)(2).

FDIC 30-64-0004

SYSTEM NAME:

Changes in Bank Control Ownership Records.

SYSTEM LOCATION:

Supervision, Enforcement & Surveillance Branch, Division of Bank Supervision, FDIC, 550 17th Street, NW, Washington, DC 20429.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM.

Individuals who have been involved in a change of bank control or ownership of FDIC-insured banks or who filed or were a member of a group that filed a Notice of Acquisition of Control of an FDIC-insured bank.

CATEGORIES OF RECORDS IN THE SYSTEM:

For proposed transactions, the names of proposed acquirers; name and location of the bank; number of shares to be acquired and outstanding; date Change in Control Notice was accepted by the FDIC regional office; name and location of the newspaper in which the notice was published and date of publication. For consummated transactions, names of sellers/transferors; names of purchasers/transferees and number of shares owned

after transaction; date of transaction on bank's books; number of shares acquired and outstanding. If stock of a holding company is involved, the name and location of the holding company and the bank it controls.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sec. 7(j) of the Federal Deposit Insurance Act (12 U.S.C. 1817(j)).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The information in the system is available to the general public.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Maintained on file cards, in file folders, and on computer discs.

RETRIEVABILITY:

Indexed by name of the individual.

SAFEGUARDS:

Index cards and file folders are maintained in lockable metal file cabinets; computer discs are accessed only by authorized personnel.

RETENTION AND DISPOSAL:

Records are retained until no longer needed.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, Supervision, Enforcement & Surveillance Branch, Division of Bank Supervision, FDIC, 550 17th Street, NW, Washington, DC 20429.

NOTIFICATION PROCEDURE:

Requests must be in writing and addressed to the Office of the Executive Secretary, FDIC, 550 17th Street, NW, Washington, DC 20429. Individuals requesting their own records must provide their name and address.

RECORD ACCESS PROCEDURES:

Same as "Notification" above.

CONTESTING RECORD PROCEDURES:

Same as "Notification" above.

RECORD SOURCE CATEGORIES:

Persons who are acquiring control of an FDIC-insured bank, the bank or holding company in which control is changing or has changed; state and federal financial institution supervisory authorities.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FDIC 30-64-0016

SYSTEM NAME:

Municipal Securities Dealers and Government Securities Brokers/Dealers Personnel Records.

SYSTEM LOCATION:

Supervision, Enforcement & Surveillance Branch, Division of Bank Supervision, FDIC, 550 17th Street, NW, Washington, DC 20429. Records are also stored in computerized files maintained off-premises on a contract basis with the National Association of Securities Dealers, Inc., 9513 Key West Avenue, Rockville, Maryland 20850.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Persons who are or seek to be municipal securities principals or municipal securities representatives associated with muncipal securities dealers which are FDIC-insured, state-chartered banks (including insured state-licensed branches of foreign banks), not members of the Federal Reserve System, or are subsidiaries, departments, or divisions of such banks.

(2) Persons who are or seek to be persons associated with government securities dealers or government securities brokers which are FDIC-insured state-chartered banks, other than members of the Federal Reserve System, or are departments or divisions of such banks.

CATEGORIES OF RECORDS IN THE SYSTEM:

The records may contain identifying information as well as educational, employment, and disciplinary information, if any, and, where applicable, information regarding termination of employment of individuals covered by the system. Identifying information includes name, addresses, date and place of birth, and may include social security account number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 15B, 15C, and 23 of the Securities Exchange Act of 1934 (15 U.S.C. 78o–4, 78o–5, and 78w).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USE: INFORMATION IN THE SYSTEM MAY BE DISCLOSED:

(1) To a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal proceedings.

(2) To the appropriate federal, state, local, or foreign agency or authority or to a self-regulatory organization, as defined in section 3(a)(26) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(26)), responsible for investigating or prosecuting a violation of or for enforcing or implementing a statute, rule, regulation, or order, when the information indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto.

(3) To a congressional office in response to an inquiry made at the request of the individual to whom the record pertains.

(4) To assist in any proceeding in which the federal securities or banking laws are in issue or a proceeding involving the propriety of a disclosure of information contained in this system, in which the FDIC or one of its past or present employees is a party.

(5) To a federal, state, local, or foreign governmental authority or a self-regulatory organization if necessary in order to obtain information relevant to an FDIC inquiry concerning a person who is or seeks to be associated with a municipal securities dealer as a municipal securities principal or representative or a government securities broker or a government securities dealer (as described in "Categories of individuals covered by the system" above).

(6) To a federal, state, local, or foreign governmental authority or a self-regulatory organization in connection with the issuance of a license or other benefit to the extent that the information is relevant and necessary.

(7) To a registered dealer, a registered broker, a registered municipal securities dealer, a government securities dealer, a government securities broker, or an insured bank that is a past or present employer of an individual that is the subject of a record, or to which such individual has applied for employment, for purposes of identity verification or for purposes of investigating the qualifications of the subject individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders and on computer discs.

RETRIEVABILITY:

Indexed by name, social security number, and/or sequence number

assigned by the National Association of Securities Dealers, Inc.

SAFEGUARDS:

File folders are stored in lockable metal file cabinets; computers discs are accessed only by authorized personnel.

RETENTION AND DISPOSAL:

Permanent retention.

SYSTEM MANAGER(S) ADDRESS:

Associate Director, Supervision, Enforcement & Surveillance Branch, Division of Bank Supervision, FDIC, 550 17th Street, NW., Washington DC 20429.

NOTIFICATION PROCEDURE:

Requests must be in writing and addressed to the Office of the Executive Secretary, FDIC, 550 17th Street, NW., Washington, DC 20429. Individuals requesting their own records must provide their name and the date and place of their birth, and may be required to include a notarized statement attesting to identity.

RECORD ACCESS PROCEDURES:

Same as "Notification" above.

CONTESTING RECORD PROCEDURES:

Same as "Notification" above.

RECORD SOURCE CATEGORIES:

Individuals on whom the records are maintained, municipal securities dealers and government securities dealers and brokers (as such dealers are described in "Categories of individuals covered by the system" above), and federal, state, local, and foreign governmental authorities and self-regulatory agencies which regulate the securities industry.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FDIC 30-64-0020

SYSTEM NAME:

Telephone Call Detail Records.

(Complete text appears at 52 FR 34296 (Sept. 10, 1987))

ROUTINE USE OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

* * * * *

(6) To respond to a federal agency's request made in connection with the hiring or retention of an employee, the letting of a contract or issuance of a grant, license, or other benefit by the requesting agency, but only to the extent that the information disclosed is relevant and necessary to the requesting agency's decision on the matter.

* * * * *

By direction of the Board of Directors.

Dated at Washington, DC, this first day of March, 1988.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson

Executive Secretary.

[FR Doc. 88-4980 Filed 3-7-88; 8:45 am]

BILLING CODE 6714-01-M

Privacy Act of 1974; Amendment to Existing System of Records

AGENCY: Federal Deposit Insurance Corporation ("FDIC").

ACTION: Notice of proposed changes to a system of records: "Employee Financial Disclosure Statements."

SUMMARY: The FDIC is issuing for public comment a revision to its system of records for Employee Financial Disclosure Statements. This change is being proposed to reflect the addition of the Confidential Report of Employment Upon Resignation to the system.

DATES: Comments must be submitted by April 7, 1988. The amendments will become effective April 22, 1988, unless a superseding notice to the contrary is published before that date.

ADDRESSES: Comments should be addressed to Hoyle L. Robinson, Executive Secretary, Federal Deposit Insurance Corporation, 550—17th Street, NW., Washington, DC 20429, or hand-delivered to Room 6108 at the same address, Monday through Friday, between the hours of 9 a.m. and 5 p.m.

FOR FURTHER INFORMATION CONTACT: Robert E. Feldman, Assistant Executive Secretary, Federal Deposit Insurance Corporation, 550—17th Street NW., Washington, DC 20429, telephone (202) 898-3811.

SUPPLEMENTARY INFORMATION: The FDIC's Privacy Act system of records entitled "Employee Financial Disclosure Statements" is being amended to include within the categories of records in the system the Confidential Report of Employment Upon Resignation, which is designed to identify potential post-employment conflicts of interest and is used as a counseling tool as well as for enforcement of compliance with statutes governing the activities of former government employees. Documents related to the report will also be included in the system. The report is required pursuant to 12 CFR 336.24 and is intended for an employee to disclose pertinent information regarding prospective employment at least two weeks prior to the effective date of resignation. A companion amendment to the categories of individuals covered by the system will be made to account for the addition of the report to the system.

Accordingly, the Board of Directors of the FDIC proposes to revise the Employee Financial Disclosure Statements system to read as follows.

FDIC 30-64-0006

SYSTEM NAME:

Employee Financial Disclosure Statements.

(Complete text appears at 47 FR 42162 (Sept. 24, 1982).)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former FDIC officers and employees, including Special Corporation employees and employees occupying noncompetitive positions, required to file Public Financial Disclosure Reports pursuant to the Ethics in Government Act of 1978 (92 Stat. 1836); current and former employees required to file Confidential Statements of Employment and Financial Interests pursuant to Executive Order 11222 and 12 CFR Part 336; current and former bank examiners and assistant bank examiners required to file disclosures of their personal indebtedness to insured banks or affiliates thereof pursuant to Part 336; all current and former employees required to disclose their ownership of insured bank securities and other outside interests pursuant to Part 336; and all current and former employees required to file Confidential Reports of Employment Upon Resignation pursuant to 12 CFR Part 336.

* * * * *

CATEGORIES OF RECORDS IN THE SYSTEM:

Paragraph (4) is amended by removing the period at the end of the paragraph and inserting in its place "; and".

* * * * *

(5) Confidential Report of Employment Upon Resignation—Contains information as to the employee's prospective employer; the nature of the business or organizational activities of the prospective employer; the position that the employee will occupy, dates of negotiation for such employment, and the employee's official involvement, if any, with the prospective employer; may also contain other documents related to the Confidential Report of Employment Upon Resignation generated in the course of administering the provisions of Executive Order 11222, as amended, and Part 336.

* * * * *

By direction of the Board of Directors.

Dated at Washington, DC, this first day of March, 1988.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 88-4981 Filed 3-7-88; 8:45 am]

BILLING CODE 6714-01-M

FEDERAL MARITIME COMMISSION

Reissuance of Ocean Freight Forwarder License; Intersped Systems, Inc. et al.

Notice is hereby given that the following ocean freight forwarder licenses have been reissued by the Federal Maritime Commission pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718) and the regulations of the Commission pertaining to the licensing of ocean freight forwarders, 46 CFR Part 510.

License No.	Name/address	Date reissued
2984R	Intersped Systems, Inc., 496 S. Airport Blvd., So. San Francisco, CA 94080.	Feb. 5, 1988.
2426	Shigehiro Uchida dba Jupiter Forwarding Company, 2585 Commerce Way, City of Commerce, CA 90041.	Feb. 22, 1988.
1584A	Winair Freight, Inc., 5520 N.W. 35th Avenue, Miami, FL 33142.	Feb. 24, 1988.

Bryant L. VanBrakle,

Deputy Director, Bureau of Domestic Regulation.

[FR Doc. 88-5010 Filed 3-7-88; 8:45 am]

BILLING CODE 6730-01-M

Ocean Freight Forwarder License Applicants; Pacific Freight, Inc., et al.

Notice is given that the following applicants have filed with the Federal Maritime Commission applications for licenses as ocean freight forwarders pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718 and 46 CFR Part 510).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to contact the Office of Freight Forwarder and Passenger Vessel Operations, Federal Maritime Commission, Washington, DC 20573.

Pacific Freight, Inc., 110 West Ocean Blvd., Suite 344, Long Beach, CA 90802
Officers: Byong Choll Chon, Pres./Dir./Stockholder, Seoung Rock Kim, Dir.

HWH Overseas, 99 Hudson Street, New York, NY 10013
Officers: Wolfgang Anderson, Pres./Dir./Stockholder, George Pratsikas, Sec./Treasurer

Drew Freight, Inc., 29 Broadway, New York, NY 10006-3030
Officer: Hernan Poza, Jr., Pres./Dir./Shareholder

Seajet Express Inc., 440 McClellan Highway, Suite 107, East Boston, MA 02128
Officer: Ronald W. Heimann, President/Stockholder

International Shipping & Marketing, Inc., 11104 W. Airport Blvd., Suite 160, Stafford, TX 77477
Officers: John C. Louviere, President, Janice L. Merten, Vice President, Samuel Griffin III, Stockholder

Immediate Transportation Company of New York, Inc., 100 Atlantic Avenue, Lynbrooke, New York 11563
Officers: Steven M. Gelobter, President, Reginald Mantek, Vice President

Associated Customhouse Brokers, Inc., One Airport Way, Suite 205, P.O. Box 22670, Rochester, NY 14692
Officers: Jerry J. Gambino, Jr., Pres./Treas./Stockholder, Johanna M. Gambino, Secretary, Jerry J. Gambino, Sr., Dir./Stockholder, Everett Gardner, Controller

By the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

Dated: March 2, 1988.

[FR Doc. 88-5011 Filed 3-7-88; 8:45 am]

BILLING CODE 6730-01-M

Ocean Freight Forwarder License Revocations; Transmares et al.

Notice is hereby given that the following ocean freight forwarder licenses have been revoked by the Federal Maritime Commission pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718) and the regulations of the Commission pertaining to the licensing of ocean freight forwarders, 46 CFR Part 510.

License Number: 1258
Name: Violet A. Wilson dba Transmares
Address: No. 7 Helen Ave., Jefferson, LA 70121
Date Revoked: December 18, 1986
Reason: Failed to maintain a valid surety bond

License Number: 2905
Name: Cargo Master Corp.
Address: 1462 N.W. 82nd Ave., Miami, FL 33126
Date Revoked: January 10, 1988
Reason: Failed to maintain a valid surety bond

License Number: 1081
Name: Mercury International Forwarders, Inc.
Address: 820 East D St., Wilmington, CA 90744
Date Revoked: January 11, 1988
Reason: Failed to maintain a valid surety bond

License Number: 12
Name: United States Forwarding Corporation
Address: One World Trade Ctr., #2109, New York, N.Y. 10048
Date Revoked: January 20, 1987
Reason: Failed to maintain a valid surety bond

License Number: 2384
Name: Ark International Forwarding, Inc.
Address: 2250 N.W., 96th Ave., Bay 4, Miami, FL 33172
Date Revoked: January 28, 1988
Reason: Failed to maintain a valid surety bond

License Number: 762
Name: Beauseigneur Moving & Storage Corp.
Address: 242 East 122nd Street, New York, N.Y. 10035
Date Revoked: January 29, 1988
Reason: Failed to maintain a valid surety bond

License Number: 1221R
Name: Global International U.S.A., Inc.
Address: 21 West Street, New York, N.Y. 10006-2908
Date Revoked: February 8, 1988
Reason: Surrendered license voluntarily

License Number: 2155
Name: James J. Gallegos dba James J. Gallegos & Co.
Address: 10910 LaCienega, Inglewood, CA 90306
Date Revoked: Feburary 19, 1988
Reason: Failed to maintain a valid surety bond

License Number: 2299
Name: Oscar Import & Export Corp.
Address: 120 Broadway, New York, N.Y. 10005
Date Revoked: February 19, 1988
Reason: Failed to maintain a valid surety bond.

Bryant L. VanBrakle,

Deputy Director, Bureau of Domestic Regulation.

[FR Doc. 88-5012 Filed 3-7-88; 8:45 am]

BILLING CODE 6730-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

Statement of Organization, Functions, and Delegations of Authority

Part F. of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services, Health Care Financing Administration (HCFA), **Federal Register**, Vol. 52, No. 108, pp. 21375–21377, dated Friday, June 5, 1987) is amended to reflect changes to certain organizational titles and a minor realignment of functions within the Office of Management and Budget (OMB).

The specific changes to Part F. are as follows:

• Section FH.20.A.1., Office of Personnel, Health and Resource Management (FHA6) is amended by changing the organizational title to Office of Human Resources (FHA6).

• Section FH.20.A.1.a., Division of Classification and Organizational Analysis (FHA61) is amended by deleting the functional statement in its entirety and replacing it with the following functional statement:

a. Division of Classification and Organizational Analysis (FHA61)

Plans, directs, and implements a comprehensive HCFA position classification and position management program. Classifies all central office wage grade and general schedule positions at or below the GS–15 level. Evaluates programs for adequacy and recommends corrective action when deficiencies are disclosed. Plans, implements, and monitors HCFA position classification surveys and issues reports and recommendations for improvements. Coordinates the survey results with the Office of the Secretary and/or the Office of Personnel Management. Interprets legislation, regulations, guides, directives and bulletins concerning position classification. Provides information on HCFA's classification structure for entry into the automated personnel information system and prepares statistical information related to HCFA's position classification program. Provides services, policy direction, and coordination with respect to organizational analysis functions and delegation of authority activities. Conducts studies of HCFA's organizational and functional arrangements and develops plans for assimilating new or modified functions into the HCFA organization. Designs, develops, implements, and maintains a system for initiating, analyzing, reviewing, and approving HCFA-Wide program and administrative delegations of authority.

• Section FH.20.A.1.b., Division of Staffing and Employee and Health Services (FHA62) is amended by changing the organizational title to the Division of Staffing and Employee Services (FHA62) and deleting the functional statement in its entirety and replacing it with the following functional statement:

b. Division of Staffing and Employee Services (FHA62)

Provides service to all central office HCFA components in the areas of recruitment, in-service staffing, and pre-employment investigations for all types of appointments and all occupational classes and levels of work. Provides advice, guidance, and consultation to HCFA supervisory and management officials on such issues as optional staffing mixes, recruitment sources, qualification factors, etc. Interprets regulations, guides, directives, and bulletins related to staffing and personnel services. Establishes and maintains the employment data base for routine and special reports and statistical studies related to the employee population. Plans and controls the central system for all personnel transaction processes, serves as the official custodian for all personnel folder clearances, confidential reports, employment agreements, and other related areas. Plans, administers, and evaluates HCFA-wide employee relations activities. Provides general employee counseling on such matters as employee/management communication, retirement, life insurance, health plans, worker's compensation claims, and related areas. Serves as the central HCFA reference point for inquiries, guidance, and interpretation on employee relations matters. Processes insurance claims for survivors of deceased employees. Assures due process in adverse personnel actions and provides procedural advice in the processing of grievances and appeals under Agency and negotiated agreements. Directs programs for health nationwide, employee health enhancement, physical fitness, and blood assurance programs. Plans and administers the entire ethics program for both central and regional offices. Reviews the financial disclosure reports prior to Departmental submittal and coordinates outside activities requests and approvals.

• Section FH.20.A.1.c., Division of Policy, Performance, and Development (FHA63) is amended by deleting the functional statement in its entirety and replacing it with the following functional statement:

c. Division of Policy, Performance, and Development (FHA63)

Provides leadership, direction, and control with respect to HCFA's personnel-related policies; employee training, career development, and counseling activities; and performance management and awards programs. Serves as the agency's representative in dealing with the Department of Health and Human Services, other Federal agencies, contractors, and employee/management/Union organizations. Plans, coordinates, and executes a wide range of major studies and projects involving personnel issues of Agency-wide magnitude.

• Section FH.20.A.1.d., Division of Labor/Management Relations (FHA64) is deleted in its entirety and replaced by the Labor/Management Relations Staff (FHA6–1). The new section reads as follows:

d. Labor/Management Relations Staff (FHA6–1)

Plans, directs, and administers HCFA-wide labor relations activities including the application and interpretation of the Federal Labor-Management Relations Program, collective bargaining agreements, and regulations. Serves as Agency representative in dealing with the Department of Health and Human Services, other Federal agencies, employee and supervisory organizations, and third-party representatives, including negotiations in the resolution of grievances and appeals under the negotiated grievance procedure. Formulates HCFA-wide policy regarding the development, implementation, and evaluation of labor relations activities. Provides management advisory service on all labor/management relations issues. Directs the development and implementation of a labor relations training program in conjunction with other Office of Human Resources components. Plans and coordinates the integration of the HCFA Labor Relations Program with other personnel management functions and related management assistance activities.

• Section FH.20.A.4., Management Planning and Analysis Staff (FHA–1) is amended by deleting the functional statement in its entirety and replacing it with the following functional statement:

4. Management Planning and Analysis Staff (FHA–1)

Provides management support to the Director of the Office of Management and Budget. Provides Agency-wide services, policy direction, and coordination with respect to HCFA's management planning and control programs; including workplanning, management analysis, management/productivity improvement functions, Privacy Act responsibilities, internal control program, advisory and assistance services, commercial and industrial activities, administrative issuances system, and memoranda of understanding and interagency agreements. Develops HCFA policy in these areas and assures the implementation of these policies throughout HCFA. Conducts special studies and analyses in these functional areas.

Date: February 11, 1988.

William L. Roper,

Administrator, Health Care Financing Administration.

[FR Doc. 88–4973 Filed 3–7–88; 8:45 am]

BILLING CODE 4120–01–M

Public Health Service

Centers for Disease Control; Statement of Organization, Functions, and Delegations of Authority

Part H, Chapter HC (Centers for Disease Control) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services (45 FR 67772–67776, dated October 14, 1980, and corrected at 45 FR 69296, October 20, 1980, as amended most recently at 52 FR 41780–41781, October 30, 1987), is amended to reflect the following changes:

1. Establish the Office on Smoking and Health at the division level within the Center for Health Promotion and Education;

2. Revise the functional statements for the Procurement and Grants Office, Office of Program Support, to reflect current operations and terminology;

3. Revise the functional statements for the AIDS Program, Center for Infectious Diseases, by substituting the term "human immunodeficiency virus (HIV)" for "HTLV–III/LAV;" and

4. Update the list of officials in the Order of Succession.

Section HC–B, Organization and Functions, is hereby amended as follows:

After the heading and statements for the *Center for Health Promotion and Education (HCK), Office of the Director (HCK1)*, insert the following title and statements: *Office on Smoking and Health (HCK4)*. (1) Administers a national program to inform Americans about the dangers of tobacco use in order to reduce death and disability due to smoking and smokeless tobacco use; (2) promotes and stimulates research on the determinants and health effects of smoking and smokeless tobacco use; (3) coordinates all PHS research and educational programs and other HHS activities related to tobacco and health; (4) establishes and maintains liaison with other Federal agencies, private organizations, State and local governments, and international agencies on tobacco-and-health matters; (5) serves as a clearinghouse for the collection, organization, and dissemination of information on all aspects of tobacco and health; (6) develops materials on tobacco use in relation to health; (7) provides assistance for educational programs on smoking and health; (8) produces Congressionally-mandated Reports to Congress; (9) conducts surveys, and coordinates and conducts epidemiologic studies related to tobacco behavior and tobacco control; (10) provides staff support for a Congressionally-mandated Federal advisory committee on smoking and health; (11) pursuant to Public Laws 98–474 and 99–252, collects, maintains, and analyzes information provided by the tobacco industry on cigarette additives and smokeless tobacco additives and nicotine content; (12) serves as a World Health Organization (WHO) Collaborating Center on smoking and health; (13) serves as the lead for the Smoking and Health 1990 objectives for the Nation; (14) provides staff support to the Surgeon General on activities related to smoking and health.

After the heading for the *Procurement and Grants Office (HCA58)*, change the statement to read: (1) Advises the Director, CDC, and the Director's staff, and provides leadership and direction for CDC acquisition, assistance, and materiel management activities; (2) plans and develops CDC-wide policies, procedures, and practices in acquisition, assistance, and materiel management areas; (3) obtains research and development, services, equipment, supplies, and construction through acquisition processes; (4) maintains personal property, transportation, and warehousing operations; (5) awards, administers, and terminates contracts, purchase orders, grants, and cooperative agreements; (6) maintains a continuing review of CDC-wide acqusition, assistance, and materiel mangement operations to ensure adherence to laws, policies, procedures, and regulations; (7) maintains liaison with HHS, PHS, GSA, and other Federal agencies on acquisition, assistance, and materiel management policy, procedure, and operating matters.

Under the heading *AIDS Program (HCRK)*, in item (1) change "HTLV–III/LAV" to "human immunodeficiency virus (HIV)," and in item (9) change "HTLV–III/LAV" to "HIV."

Section HC–C Order of Succession. After the first sentence, delete the listing of officials and substitute the following: (1) Deputy Director, (2) Assistant Director/Washington, (3) Assistant Director for Public Health Practice, (4) Assistant Director for International Health, (5) Assistant Director for Science, (6) Assistant Director for Minority Health, (7) Director, Office of Program Support, (8) Director, Office of Program Planning and Evaluation, (9) Deputy Director (AIDS).

Date: March 1, 1988.

Wilford J. Forbush,

Director, Office of Management/PHS

[FR Doc. 88–5018 Filed 3–7–88; 8:45 am]

BILLING CODE 4160–18–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM–010–3110–10–7202, NM 68533]

Realty Action-Exchange; Federal Minerals in Cibola, Valencia, Bernalillo and Socorro Counties, NM, for State of New Mexico Minerals Within El Malpais National Conservation Area and National Monument

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice.

SUMMARY: The following described Federal mineral estate which is located under State surface estate within Cibola, Socorro, Valencia, and Bernalillo Counties has been determined to be suitable for disposal by exchange under section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716 and section 503(a) of the Pub. L. 100–225 of December 31, 1987, which established the El Malpais National Conservation Area and National Monument.

New Mexico Principal Meridian

T. 3 N., R. 5 W.,
Section 1, All;
Section 12, All;
Section 13, All;
Section 24, N½, SW¼, N½SE¼, SW¼SE¼.

T. 3 N., R. 14 W.,
Section 26, S½;
Section 27, SE ¼.
T. 4 N., R. 4 W.,
Section 2, Lots 8–9, E½SE¼.
T 4 N., R. 5 W.,
Section 6, Lots 1–6, S½NE¼, SE¼NW¼, NE¼SW¼, N½SE¼;
Section 12, All;
Section 24, All.
T 4 N., R. 7 W.,
Section 24, SW¼NW¼;
Section 26, E½.
T 4 N., R. 15 W.,
Section 6, Lots 1–13, SE¼, NE¼SW¼;
Section 8, All;
Section 17, N½, SE¼;
Section 21, E½, E½W½, W½NW¼,
Section 25, W½W½.
T 5 N., R. 4 W.,
Section 4, Lots 1–4, S½N½, S½;
Section 6, Lots 1–7, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Section 8, All;
Section 10, All;
Section 14, NE¼, W½, N½SE¼, SW¼SE¼;
Section 18, Lots 1–4, E½, E½W½;
Section 20, All
Section 22, All;
Section 26, W½, W½SE¼SE¼;
Section 28, All;
Section 30, Lots 1–4, E½, E½W½;
Section 34, All.
T. 6 N., R. 20 W.,
Section 18, Lots 1–4, E½, E½W½;
Section 20, All;
Section 30, Lots 1–4, E½, E½W½.
T. 8 N., R. 3 W.,
Section 28, All;
Section 30, Lot 1, E½, E½W½;
Section 34, Lots 1–4, W½E½, W½.
T. 10 N., R. 2 W.,
Section 31, Lots 1–4, E½, E½W½;
Section 32, N½NE¼, SE¼NE¼, NE¼SE¼;
Section 33, N½N½, S½NE¼, N½SE¼;
Section 34, All;
Section 35, All.

Containing 21,171.32 acres.

In exchange for this Federal mineral estate, the United States has selected approximately 16,209.65 acres of State minerals within Cibola County in the El Malpais National Conservation areas and National Monument as listed below:

New Mexico Principal Meridian

T. 4 N., R. 9 W.,
Section 2, Lots 1–4, S½NW¼, S½;
Section 6, Lots 1–5.
T 4 N., R. 10 W.,
Section 2, Lots 1–12, S½.
T 5 N., R. 9 W.,
Section 2, Lots 1–4, S½N½, S½;
Section 12, S½SW¼, NE¼SE¼, SW¼SE¼;
Section 16, all;
Section 24, E½W½;
Section 30, N½NE¼, SE¼NE¼, SE¼SW¼, SW¼SE¼;
Section 32, All;
Section 36, All.
T. 5 N., R. 10 W.,
Section 32, All;
Section 34, SW¼SE¼;
Section 36, All.
T. 6 N., R. 11 W.,
Section 32, All.
T. 7 N., R. 9 W.,
Section 16, All.
T. 8 N., R. 9 W.,
Section 32, All.
T. 8 N., R. 10 W.,
Section 2, Lots 1–4, S½N½, S½;
Section 16, All;
Section 36, All.
T. 8 N., R. 13 W.,
Section 14, NW¼NE¼, SE¼NW¼;
Section 16, All.
T. 9 N., R. 12 W.,
Section 14, All;
Section 20, All;
Section 22, All;
Section 24, All;
Section 26, All;
Section 28, All;
Section 30, Lots 1–4, E½, E½W½;
Section 32, All;
Section 34, All.

Containing 16,209.65 acres.

Upon completion of the final appraisal, the actual acreage exchanged will be adjusted to reflect equal values as much as possible.

The purpose of the exchange is to consolidate Federal mineral ownership for the Federal government within the recently enacted El Malpais National Conservation Area (NCA) and National Monument (NM). This action is consistent with land ownership adjustments as set forth in the Record of Decision for the Rio Puerco Resource Management Plan approved January 16, 1986.

The purpose of this Notice of Realty Action is twofold. First, this notice will provide a response period of forty-five (45) days during which public comments will be accepted regarding this exchange proposal. Secondly, this action as provided in 43 CFR 2201.1(b) shall segregate the Federal minerals as described in this notice, to the extent that they will not be subject to appropriation under mineral leasing and mining laws, subject to any prior valid rights. The segregative effect shall terminate either upon publication in the **Federal Register** of a termination of the segregation or two years from the date of this publication, whichever occurs first.

SUPPLEMENTARY INFORMATION: Detailed information concerning the exchange is available at the Albuquerque District Office, 435 Montano NE, Albuquerque, New Mexico 87107.

For a period of forty-five (45) days after publication of this Notice interested parties may submit comments to the District Manager at the above address.

Dated: March 1, 1988.

Robert T. Dale,

District Manager.

[FR Doc. 88–4827 Filed 3–7–88; 8:45 am]

BILLING CODE 4310–FB–M

Bureau of Reclamation

Draft Supplement to the Final Environmental Statement, Dolores Project, CO

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of availability and public hearings on the Draft Supplement to the Final Environmental Statement.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, as amended, the Department of the Interior has prepared a Draft Supplement to the Final Environmental Statement on the Dolores Project, Colorado, originally filed with the Environmental Protection Agency on May 9, 1977 (INT FES 77–12). Comments on the draft supplement must be received by the date indicated on the cover sheet of the document.

A meet has been scheduled to solicit public views concerning the proposed modifications and refinements to the Dolores Project.

The meeting will be held on April 21, 1988, from 3:00 p.m. to 5:00 p.m. and from 6:30 p.m. to 8:30 p.m. at the Anasazi Heritage Center, Bureau of Land Management, 27501 Colorado Highway 184, Dolores, Colorado 81323, telephone (303) 882–4811.

FOR FURTHER INFORMATION CONTACT: Organizations or individuals desiring to present statements at the hearings should write or call Ken Beck, Team Leader, Dolores Project, Bureau of Reclamation, Durango Projects Office, P.O. Box 640, Durango, Colorado 81302–0640, telephone (303) 385–6529. Speakers will be scheduled according to their time preference, if any, as requested by letter or telephone. Speakers not present when called will lose their privilege in the scheduled order and their names will be recalled at the end of presentations by the other scheduled speakers. Requests for scheduled presentations will be accepted until 4 p.m. on April 20, 1988. Any subsequent requests will be handled on a first-come, first-served basis following the scheduled presentations at the meeting.

The facility and room where the meeting is to be held are accessible to handicapped persons. Hearing impaired, visually impaired, or mobility impaired persons planning on attending the

meeting may arrange for needed special services by calling (303) 385–6529 by March 21, 1988.

Written comments from those unable to attend and from those wishing to supplement their oral presentations at the hearings should be sent to the Regional Director, Attention UC–730, in Salt Lake City, Utah, by May 6, 1988, to be included in the hearing record.

Copies of the draft supplement to the final environmental statement are available for inspection at the following locations.

Director, Office of Environmental Affairs, Bureau of Reclamation, Room 7423, Washington, DC 20240, Telephone: (202) 343–4991

Division of Management Support, General Service, Library Section, Code 950, Engineering and Research Center, Denver Federal Center, Denver, Colorado 80225, Telephone: (303) 234–3019

Regional Director, Bureau of Reclamation, Upper Colorado Regional Office, UC–730, P.O. Box 11568, Salt Lake City, Utah 84147, Telephone: (801) 524–5580

Projects Manager, Durango Projects Office, Bureau of Reclamation, 835 Second Avenue, P.O. Box 640, Durango, Colorado 81302–0640, Telephone: (303) 385–6500

Project Construction Engineer, Cortez Projects Office, Bureau of Reclamation, 60 South Cactus, P.O. Drawer Q, Cortez, Colorado 81321, Telephone: (303) 565–4473

Single copies of the document may be obtained by request to the addresses listed above. Copies also will be available for inspection at libraries in the project area.

SUPPLEMENTARY INFORMATION: The Dolores Project will provide water from the Dolores River for irrigation, municipal and industrial use, power production, recreation, salinity control, and fish and wildlife enhancement. It also will provide flood control and cultural resources mitigation and will aid in area economic redevelopment.

The supplement assesses the environmental impacts of proposed modifications and refinements to the Dolores Project. The salinity control modification would include lining sections of the Lone Pine and Upper Hermana irrigation laterals to prevent seepage; abandoning the Rocky Ford Ditch, a major contributor of salt, and incorporating its flows into the new alignment of the Towaoc Canal east of Cortez; abandoning the Lower Hermana Lateral and Highline Ditch and also including their flows, along with the Ute Mountain Ute Tribe's full service irrigation project water supply, in the Towaoc Canal; and constructing eight buried pipe laterals from the Towaoc Canal to the Rocky Ford Ditch service area.

Since the 1977 FES, some refinements to the project plan have been made as a result of economic and design criteria considerations. Such refinements are a normal function of the design and construction process. Those refinements include deleting Monument Creek Reservoir and the Cortez-Towaoc Municipal and Industrial Pipeline from McPhee Reservoir to the Ute Mountain Ute Reservation. The Dolores Water Conservancy District has agreed to construct those two features without Federal financing, subject to financing from the State of Colorado. Other refinements would include combining capacities of two pumping plants for sprinkler irrigation into one pumping plant, constructing a booster pumping plant, modifying the capacities of the McPhee and Towaoc Powerplants, and using a computerized control system to operate the project.

Dated: March 1, 1988.

C. Dale Duvall,

Commissioner of Reclamation.

[FR Doc. 88–4877 Filed 3–7–88; 8:45 am]

BILLING CODE 4310–09–M

Fish and Wildlife Service

Receipt of Applications for Permits

The following applicants have applied for permits to conduct certain activities with endangered species. This notice is provided pursuant to section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*):

PRT–725116

Applicant: National Museum of Natural History, Washington, DC

The applicant requests a permit to import salvaged specimens of ungulates in families Bovidae and Cervidae from Academia Sinica, Ministry of Forestry, Xining, Qinghai, China and from Zoological Survey of Pakistan, Karachi, Pakistan for scientific purposes Specimens will be accessioned into the museum's collection and made available for scientific research.

PRT–724664

Applicant: WE-DU Nurseries, Marion, NC

The applicant requests a permit to sell in interstate and foreign commerce, divisions of Harper's Beauty (*Harperocallis flava*) from a plant collected in the wild in Florida for the purpose of enhancement of propagation of the species.

PRT–725285

Applicant: Gladys Porter Zoo, Brownsville, TX

The applicant requests a permit to import two captive born female Philippine crocodiles (*Crocodylus novaeguineae mindorensis*) from Silliman University, Dumagete City, Philippines, for the purpose of captive breeding. The applicant currently maintains two males of this species.

PRT–724754

Applicant: International Animal Exchange, Ferndale, MI

The applicant requests a permit to purchase and import one male and two female captive born Parma wallabies (*Macropus parma*) from the Wellington Zoological Gardens, Wellington, New Zealand, and sell the wallabies to the Phoenix Zoo, Phoenix, AZ, for the purpose of captive propagation.

Documents and other information submitted with these applications are available to the public during normal business hours (7:45 am to 4:15 pm) Room 403, 1375 K Street NW., Washington, DC, or by writing to the Director, Office of Management Authority, P.O. Box 27329, Washington, DC 20038–7329.

Interested persons may comment on any of these applications within 30 days of the date of this publication by submitting written views, arguments, or data to the Director at the above address. Please refer to the appropriate PRT number and applicant when submitting comments.

Dated: February 29, 1988.

Larry LaRochelle,

Acting Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 88–4954 Filed 3–7–88; 8:45 am]

BILLING CODE 4310–AN–M

National Park Service

Notice of Intent To Negotiate Concession Contract; Belle Haven Marina, Inc.

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that sixty (60) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Belle Haven Marina, Incorporated authorizing it to continue to provide services for the public at George Washington Memorial Parkway, Alexandria, Virginia, for a period of five

(5) years from January 1, 1988, through December 31, 1992.

This contract renewal has been determined to be categorically excluded from the procedural provisions of the National Environmental Policy Act and no environmental document will be prepared.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing permit which expired by limitation of time on December 31, 1987, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the authorization and in the negotiation of a new contract as defined in 36 CFR 51.5.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioner, must be postmarked or hand delivered on or before the sixtieth (60th) day following publication of this notice to be considered and evaluated.

Interested parties should contact the Superintendent, George Washington, Memorial Parkway, Turkey Run Park, McLean, Virginia, 22101, for information as to the requirements of the proposed contract.

Dated: January 20, 1988.

Lowell V. Sturgill,

Acting Regional Director, National Capital Region.

[FR Doc. 88-4996 Filed 3-7-88; 8:45 am]

BILLING CODE 4310-70-M

[DES 88-13]

Availability of Draft Environmental Impact Statement; Wilderness Recommendation Kenai Fjords National Park, AK; Public Hearings and Public Meetings

ACTION: Notice of the availability of the Draft Environmental Impact Statement (DEIS) regarding Wilderness Recommendation Kenai Fjords National Park, Alaska and the holding of public hearings and a public meeting.

Four alternatives were examined for Kenai Fjords National Park. They range from no action, which means no wilderness designation, to the designation of all lands in the study area as wilderness. Alternative 2, the proposed action, excludes 12 percent of the study area from wilderness designation. The 12 percent would remain available for recreational development.

DATES AND ADDRESSES: The public is invited to comment on the DEIS. The public comment period will end May 27, 1988. Written comments should be mailed to Mr. Q. Boyd Evison, Regional Director, Alaska Region, National Park Service, 2525 Gambell Street, Anchorage, Alaska 99503. Comments must be received by May 27, 1988, to be considered in the development of the final EIS.

Two formal public hearings have been scheduled to receive oral and written comments on this wilderness DEIS. The public hearings will also provide the opportunity to receive oral and written comments on Wilderness Recommendations for Yukon-Charley Rivers National Preserve and Bering Land Bridge National Preserve draft EISs, which are also on public review. One hearing will be held in Anchorage, Alaska, on Monday, April 18, 1988, 7:00 p.m., Third Floor Conference Room, Alaska Regional Office, National Park Service, 2525 Gambell Street. Another hearing will be held in Arlington, Virginia, at the Professional Center, Third Floor, Metropolitan Campus of George Mason University, 3401 North Fairfax Drive at a time to be announced later in local newspapers.

A public meeting on Kenai Fjords National Park Wilderness DEIS will be held in Seward, Alaska, on Wednesday, April 20, 1988, 7:00 p.m., at Park Headquarters.

FOR FURTHER INFORMATION CONTACT: Division of Planning, Alaska Region, National Park Service, 2525 Gambell Street, Anchorage, Alaska 99503; (907) 257-2654. The headquarters in Seward, Alaska will have reading copies available to the public as will the NPS Alaska Regional Office (address above); the Alaska Resources Library in Anchorage, Alaska, 701 C Street; the Alaska Public Lands Information Office in Fairbanks, Alaska, Third and Cushman Streets; and the Office of Public Affairs, National Park Service, Department of the Interior in Washington, DC., 18th and C Streets NW.

Dated: March 3, 1988.

Gerald D. Patten,

Associate Director, Planning and Development.

Approved:

Bruce Blanchard,

Director, Office of Environmental Project Review, United States Department of the Interior.

[FR Doc. 88-4997 Filed 3-7-88; 8:45 am]

BILLING CODE 4310-70-M

[DES 88-12]

Availability of Draft Environmental Impact Statement; Wilderness Recommendation Yukon-Charley Rivers National Preserve, AK

ACTION: Notice of the availability of the Draft Environmental Impact Statement (DEIS) regarding Wilderness Recommendation Yukon-Charley Rivers National Preserve, Alaska and the holding of public hearings and public meetings.

For Yukon-Charley Rivers National Preserve, alternatives were examined ranging from no action, which means no wilderness designation, to the designation of all suitable lands as wilderness. Alternative 2, the proposed action, excludes 51 percent of the lands suitable from wilderness status.

DATES AND ADDRESSES: The public is invited to comment on the DEIS. The public comment period will end May 27, 1988. Written comments should be mailed to Mr. Q. Boyd Evison, Regional Director, Alaska Region, National Park Service, 2525 Gambell Street, Anchorage, Alaska 99503. Comments must be received by May 27, 1988, to be considered in the development of the final EIS.

Two formal public hearings have been scheduled to receive oral and written comments on this wilderness DEIS. The public hearings will also provide the opportunity to receive oral and written comments on Wilderness Recommendations for Bering Land Bridge National Preserve and Kenai Fjords National Park draft EISs, which are also on public review. One hearing will be held in Anchorage, Alaska, on Monday, April 18, 1988, 7:00 p.m., Third Floor Conference Room, Alaska Regional Office, National Park Service, 2525 Gambell Street. Another hearing will be held in Arlington, Virginia, at the Professional Center, Third Floor, Metropolitan Campus of George Mason University, 3401 North Fairfax Drive at a time to be announced later in local newspapers.

In addition, two public meetings will be held on Yukon-Charley Rivers National Preserve Wilderness DEIS, one on Tuesday, April 19, 1988, 7:00 p.m., in Fairbanks, Alaska, at the Alaska Public Lands Information Office, Third and Cushman Streets; the other in Eagle, Alaska, on Wednesday, April 20, 1988, 7:00 p.m., at Preserve Headquarters.

FOR FURTHER INFORMATION CONTACT: Division of Planning, Alaska Region, National Park Service, 2525 Gambell Street, Anchorage, Alaska 99503; (907)

257–2654. The headquarters in Eagle, Alaska will have reading copies available to the public as will the NPS Alaska Regional Office (address above); the Alaska Resources Library in Anchorage, Alaska, 701 C Street; the Alaska Public Lands Information Office in Fairbanks, Alaska, Third and Cushman Streets; and the Office of Public Affairs, National Park Service, Department of the Interior in Washington, DC., 18th and C Streets, NW.

Gerald D. Patten,

Associate Director, Planning and Development.

Approved:

Bruce Blanchard,

Director, Office of Environmental Project Review, United States Department of the Interior.

Date: March 3, 1988.

[FR Doc. 88–4998 Filed 3–7–88; 8:45 am]

BILLING CODE 4310–70–M

National Register of Historic Places; Pending Nominations; Arizona et al.

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before February 27, 1988. Pursuant to § 80.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by March 23, 1988.

Carol D. Shull,

Chief of Registration, National Register.

ARIZONA

Pima County

Sutherland Was Archeological District Tucson, *Arizona Inn*, 2200 E. Elm St.

MARYLAND

Montgomery County

Derwood vicinity, *Ridge, The*, 1900 Muncaster Rd.

MISSISSIPPI

Holmes County

Lee, Frances, Mound Group (22HO654)
Oswego Site (22HO658)

Leflore County

McLean Site (22LF513)

Sharkey County

Spanish Fort Site (22SH500)

Warren County

Vicksburg, *Johnson, Fannie Willis, House*, 2430 Drummond St.

NEW YORK

Chemung County

Elmira, *Fire Station No. 4*, 301 Maxwell Pl.

NORTH CAROLINA

Wake County

Wake Forest vicinity, *Purefoy—Dunn Plantation*, E side US 1, .3 mi. N of US 1A

OHIO

Warren County

Waynesville, *Satterthwaite, John, House* 498 N. Third St.

TENNESSEE

Bedford County

Shelbyville, *Shelbyville Railroad Station*, Depot St.

Dickson County

Bellview Furnace (40DS23) (Iron Industry on the Western Highland Rim 1790s—1920s MPS)
Laurel Furnace (40DS4) (Iron Industry on the Western Highland Rim 1790s—1920s MPS)

Hardin County

Tanyard Branch Furnace (40HR121) (Iron Industry of the Western Highland Rim 1790s—1920s MPS)

Hickman County

Lee and Gould Furnace (40HI125) (Iron Industry on the Western Highland Rim 1790s—1920s MPS)
New Aetna Furnace Historic District (40HI149) (Iron Industry on the Western Highland Rim 1790s—1920s MPS)
Oakland Furnace and Forge (40HI146) (Iron Industry on the Western Highland Rim 1790s—1920s MPS)
Old Aetna Furnace (40HI148) (Iron Industry on the Western Highland Rim 1790s—1920s MPS)
Standard Furnace (40HI145) (Iron Industry on the Western Highland Rim 1790s—1920s MPS)

Stewart County

Bear Spring Furnace (40SW207) (Iron Industry on the Western Highland Rim 1790s—1920s MPS)
Brunsoni Furnace (40SW219) (Iron Industry on the Western Highland Rim 1790s—1920s MPS)
Clark Furnace (40SW212) (Iron Industry on the Western Highland Rim 1790s—1920s MPS)
Cross Creek Furnace (40SW217) (Iron Industry on the Western Highland Rim 1790s—1920s MPS)
Eclipse Furnace (40SW213) (Iron Industry on the Western Highland Rim 1790s—1920s MPS)
Rough and Ready Furnace (40SW215) (Iron Industry on the Western Highland Rim 1790s—1920s MPS)
Saline Furnace (40SW218) (Iron Industry on the Western Highland Rim 1790s—1920s MPS)
Cumberland City vicinity, *Hollister, Henry, House (Iron Industry on the Western Highland Rim 1790s—1920s MPS)*, Chapel Ridge Rd.
Dover vicinity, *Stacker, Samuel, House (Iron Industry on the Western Highland Rim 1790s—1920s MPS)*, Long Branch Rd.

Wayne County

Forty-eight Forge (40WY63) (Iron Industry on the Western Highland Rim 1790s—1920s MPS)
Marion Furnace (40WY61) (Iron Industry on the Western Highland Rim 1790s—1920s MPS)
Collinwood, *Collinwood Railroad Station*, Old RR Bed

Williamson County

Harpeth Furnace (40WM83) (Iron Industry on the Western Highland Rim 1790s—1920s MPS)

WEST VIRGINIA

Raleigh County

Phillips-Sprague Mine

WISCONSIN

Racine County

Racine, *Historic Sixth Street Business District*, Roughly bounded by Water St. and Fifth St., Main, Seventh St., and Grand Ave.

Sauk County

Sauk City, *Freethinkers' Hall*, 309 Polk St.

[FR Doc. 88–4999 Filed 3–7–88; 8:45 am]

BILLING CODE 4310–70–M

Office of Surface Mining Reclamation and Enforcement

Intent To Transfer Unexpended State Abandoned Mine Land Reclamation Funds; Tennessee

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSMRE), Interior.

ACTION: Notice of intent to transfer unexpended monies previously allocated to the State of Tennessee.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement is proposing to transfer to the Secretary's share of the abandoned mine land reclamation (AMLR) all State AMLR monies allocated to Tennessee but not expended and to no longer allocate AMLR funds to the State, under the authority of section 402(g)(2) and 405(c) of the Surface Mining Control and

Reclamation Act of 1977, Pub. L. 95–87 (SMCRA).

DATES: *Written Comments:* OSMRE will accept written comments on the notice until 5:00 p.m., Eastern time on April 7, 1988. Comments received after that time may not necessarily be considered nor included in the administrative record.

ADDRESSES: *Written comments:*
Hand deliver to: Office of Surface Mining Reclamation and Enforcement, Administrative Record, Room 5131, 1100 L Street, NW., Washington, DC
Or mailed to: Office of Surface Mining Reclamation and Enforcement, Administrative Record, Room 5131–L, 1951 Constitution Avenue NW., Washington, DC 20240.

All comments, notices of public meetings and summaries of the meetings will be available for inspection in Room 5131, 1100 L Street, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Jim Fary, Division of Abandoned Mine Land Reclamation, 1951 Constitution Avenue NW., Room 120, Washington, DC 20240, Telephone (202) 343–5384.

Public Meetings: Representatives of OSMRE will be available to meet between March 8, 1988, and April 7, 1988, at the request of members of the public, State/Federal representatives, industry officials, labor representatives, environmental organizations, and any other interested group, to receive advice and recommendations concerning the proposed action. OSMRE representatives will be available for such meetings from 9:00 a.m. to noon and 1:00 p.m. to 4:00 local time, Monday through Friday, excluding holidays. Summaries of each meeting will be prepared and made available for public review in Room 5131, 1100 L Street, NW., Washington, DC. Persons wishing to meet with representatives of OSMRE during that time period may request a meeting. The person to contact to schedule a meeting is: Jim Fary Division of Abandoned Mine Land Reclamation, 1951 Constitution Ave., NW., Room 120, Washington, DC 20240 Telephone (202) 343–5384.

SUPPLEMENTARY INFORMATION: The Abandoned Mine Land Fund (Fund) was established by the Surface Mining Control and Reclamation Act of 1977 in response to concerns over the extensive environmental damage caused by past coal mining activities. Monies from the fund are appropriated by Congress for grants to the States and Tribes to plan and implement reclamation programs and projects; for Federal reclamation projects administered by the Secretary of the Interior through OSMRE; and for the Rural Abandoned Mine Program (RAMP) administered by the Secretary of Agriculture through the Soil Conservation Service.

Title IV of SMCRA provides that fifty percent of the AMLR funds collected within a State or on Tribal lands are to be allocated to that State or Tribe to accomplish the purposes of Title IV. "Allocated" means the administrative identification in the records of OSMRE of monies in the Fund for use by a State or Tribe for accomplishing the purposes of Title IV. States are eligible to receive such allocated funds only after they have an approved regulatory program pursuant to section 503 of SMCRA and an approved reclamation plan under section 405 of SMCRA. If allocated funds have not been expended by the State, section 402(g) (2) of SMCRA provides the Secretary authority to withdraw such funds from the State accounts and utilize them for other purposes of Title IV. If a State does not have an approved regulatory program, section 405(c) provides the Secretary authority to no longer allocate AMLR funds to the State.

The State of Tennessee repealed most of the Tennessee Coal Surface Mining Law of 1980 and the implementing regulations for the active coal mining regulatory program effective October 1, 1984. On this date, OSMRE instituted a Federal regulatory program for active mining and effective November 5, 1984 suspended the State's AMLR plan. Since that date Tennessee's share of the AMLR funds collected within the State have been administratively allocated to the State share, but because of the implementation of a Federal regulatory program, the State has been ineligible to receive annual grants utilizing those allocated funds.

Therefore, effective in FY 1988, pursuant to the authority in sections 402(g)(2) and 405(c) of SMCRA, all funds allocated to the State but not granted to the State will be transferred to the Secretary's discretionary share and OSMRE will no longer allocate funds to the State of Tennessee and all fees collected in the State will be credited to the Secretary's discretionary share.

Dated: March 2, 1988.

Jed D. Christensen,

Director, Office of Surface Mining Reclamation and Enforcement.

[FR Doc. 88–5019 Filed 3–7–88; 8:45 am]

BILLING CODE 4310–05–M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 32000 and Docket No. MC–F–19057]

Rio Grande Industries, Inc., SPTC Holding, Inc., and The Denver and Rio Grande Western Railroad Co.; Control, Southern Pacific Transportation Co.; and Rio Grande Industries, Inc., SPTC Holding, Inc.; Control; Pacific Motor Trucking Co.; Pacific Motor Transport Co.; and PMT of The Southwest, Inc.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Decision No. 7.

SUMMARY: The Commission is accepting for consideration the application filed February 22, 1988, for Rio Grande Industries, Inc., SPTC Holding, Inc., and The Denver and Rio Grande Western Railroad Company to control the Southern Pacific Transportation Company. Applicants also petition to exempt under 49 U.S.C. 10505 their acquisition of indirect control of Pacific Motor Transportation Company, Pacific Motor Trucking Company, and PMT of the Southwest, Inc.

DATES: Initial lists of protective conditions and descriptions of anticipated responsive applications must be filed no later than April 12, 1988. Written comments and responsive applications must be filed no later than May 6, 1988. For further information, see the attached procedural schedule.

FOR FURTHER INFORMATION CONTACT.
Joseph H. Dettmar (202) 275–7245
(TDD for hearing impaired: (202) 275–1721)
or
Thomas Shick (202) 275–7972
or
Ellen Goldstein (202) 275–7976

ADDRESSES: Unless otherwise indicated, an original and 20 copies of all documents must be sent to:
Office of the Secretary, Case Control Branch, Attn: Finance Docket No. 32000, Interstate Commerce Commission, Washington, DC 20432.

Five copies of all pleadings in this proceeding must be sent to:
Room 2118, Office of Proceedings, Interstate Commerce Commission, Washington, DC 20423.

In addition, one copy of all documents in this proceeding must be sent to each of applicants' representatives:
Samuel R. Freeman, Vice President and General Counsel, The Denver and Rio Grande Western Railrod Company, P.O. Box 5482, Denver, CO 80217
E. Barrett Prettyman, Jr., Hogan &

Hartson, Columbia Square, 555 Thirteenth Street, NW., Washington, DC 20004–1109.

SUPPLEMENTARY INFORMATION: We are accepting for consideration the control application and related motor carrier petition filed in these proceedings. On February 22, 1988, Rio Grande Industries, Inc. (Rio Grande), SPTC Holding, Inc. (SPTC Holding), and The Denver and Rio Grande Western Railroad Company (DRGW) (collectively, applicants) filed an application under 49 U.S.C. 11343 and 11344 for approval of the acquisition of control of the Southern Pacific Transportation Company (SPT) and its transportation subsidiaries by Rio Grande and SPTC Holding, non-carrier holding companies, and DRGW, a wholly-owned carrier subsidiary of Rio Grande. SPT controls three motor carriers: Pacific Motor Transport Company, Pacific Motor Trucking Company, and PMT of the Southwest, Inc. Applicants have filed a petition for exemption under 49 U.S.C. 10505 from the requirements of 49 U.S.C. 11343, 11344, and 11345 to permit applicants to acquire indirect control of the three motor carriers.

If the application in Finance Docket No. 32000 is approved, applicants intend that Rio Grande will acquire, through its wholly-owned subsidiary, SPTC Holding, all of the issued and outstanding shares of SPT common stock beneficially owned by Southern Pacific Company (SPC), a wholly-owned subsidiary of SFSP. The SPT stock is currently held in a voting trust created in connection with Finance Docket No. 30400, under which the LaSalle National Bank of Chicago, IL, serves as trustee. The acquisition by applicants would permit the voting trust to be terminated and will satisfy SFSP's obligation to divest itself of its interest in SPT.

Following acquisition of SPT, applicants plan to continue SPT's separate corporate existence but expect that the rail operations or SPT and DRGW will be consolidated. The two carriers may eventually be merged, but applicants have no current plans to do so.

DRGW operates 2,211 miles of railroad in Utah, Colorado, Kansas, and Missouri. This consists of 1,528 miles of mainline and 683 miles of branch line. DRGW serves the Central Corridor from principal western terminals of Ogden, Salt Lake City, and Provo, UT, to the eastern intermountain terminals of Denver, Colorado Springs, and Pueblo, CO, the important midwestern terminal of Kansas City, MO/KS, and the interchange gateway of Herington, KS. DRGW operates principal yards at all major terminals and at Grand Junction, CO.

SPT, including its subsidiaries the St. Louis Southwestern Railway Company and the Northwestern Pacific Railroad Company, operates 11,699 miles of railroad throughout the western and southwestern United States. This system serves 14 States, over 7,767 miles of mainline and 3,932 miles of branch line.

Principal routes of SPT include: The Overland Route, serving the Central Corridor between points in Northern California and Oregon and the intermountain gateway of Ogden; the West Coast Route, covering the territory from the Los Angeles Basin to Portland, OR, via San Francisco/Oakland and Sacramento, CA; the Sunset Route, serving the Southern Corridor between West Coast ports and the principal Gulf ports and terminals of New Orleans and Lake Charles, LA, and Houston, Galveston, Beaumont, and Corpus Christi, TX; the Golden State Route, connecting the major midwestern gateways of St. Louis, MO/IL and Kansas City, through grain shipping communities at Hutchison and Liberal, KS, to El Paso, TX, and then to southern California via the Sunset Route; and the Cotton Belt Route, extending from the Missouri River gateways of St. Louis and Memphis, TN, to Shreveport, LA, and Texas cities including Dallas, Ft. Worth, and San Antonio.

Other principal yards and interchange points of SPT include Eugene, OR, Roseville, ICTF/Long Beach, and West Colton, CA; Herington, KS; Pine Bluff, AR; Eagle Pass, TX; and Deming and Nogales, AZ.

Rio Grande's proposed purchase of SPT's common stock for a price of One Billion Twenty Million Dollars, together with transaction-related fees and costs, will be financed by a combination of: (1) $700 million in bank financing; (2) $200 million in subordinated debt to be issued by SPTC Holding and to be underwritten or privately placed by Morgan Stanley & Co. Incorporated (Morgan Stanley); (3) $111 million in common equity capital to be contributed by Morgan Stanley Leveraged Equity Fund II, L. P. (the Morgan Stanley Fund) in exchange for Rio Grande common stock, and (4) $75 million to be obtained through private placement by Morgan Stanley of Rio Grande preferred stock. Applicants have sought approval under 49 U.S.C. 11301 for the issuance of securities in the event the Commission asserts jurisdiction over the relevant securities under 49 U.S.C. 11348. Pursuant to 49 U.S.C. 10505, applicants also have requested that the Commission exempt the issuance of securities from the requirement of approval under section 11301.

The application was filed under 49 U.S.C. 11343 *et seq.* and 49 CFR Part 1180, and the petition was filed under 49 U.S.C. 10505. We are accepting them for consideration because they substantially comply with the applicable regulations, waivers, and requirements. We request corrections, clarification, and additional information as follows.

(1) Applicants shall make available to the Commission the underlying work papers and supporting documentation used to construct Exhibits 16, 17 and 18 of the application.

(2) Contrary to our clarification in Decision No. 3, served January 22, 1988, page 2, applicants have failed to provide SPT's Form S–14, as required at 49 CFR 1180.6(b)(2). They must do so.

(3) It appears that Exhibit 12—Impact Analysis—(49 CFR 1180.7) is missing or not labelled as such. A correction or clarification is required.

(4) Applicants shall clarify the sources of revenues upon which their projected public benefits are based, and clearly distinguish between revenues attributable to traffic diversion (rail and motor) and those attributable to efficiencies and other service improvements. For example, applicants estimate $200–$275 million in additional revenues from the combined system (VS-A.L. Thiessen). Marketing estimates are that nine programs should produce between 48,000 and 77,000 additional carloads and between $81 million and $127 million in additional revenues (VS-H.C. Brown). However, there is no clear distinction made as to whether this new revenue includes the approximately $124 million estimated to be diverted from other carriers.

Applicant also suggested that several new and changed marketing strategies, referred to as "wholesale/retail" transportation philosophies, would contribute about $88,139,150 in additional revenues (VS-T.R. Harvey). This seems to rely heavily on traffic diversions from motor carriers. However, there was no effort to align these revenues with other revenues as either additional or diverted revenues.

(5) Applicants shall provide more detailed information concerning the proposed changes in use of the Roseville and Fresno yards. The plan would eliminate SP's practice of combining many southbound trains from the Roseville Yard and the Bay area at the Fresno Yard. Under the proposed plan, Roseville will classify all southbound traffic into trains which will enable the Fresno Yard to handle only cars originating or terminating at Fresno. This change will allow STP/DRGW to

eliminate two switch engine shifts at Fresno, saving $520,000 annually.

This raises some questions: (1) Does DRGW plan to move southbound traffic from the Bay Area to Roseville for proper classification and further movement south from Roseville; or (2) does DRGW plan to run southbound traffic from the Bay Area through Fresno to other locations in separate trains which require the use of more road crews, that would offset the costs of switch crews at Fresno? The Operating Plan does not provide answers to these questions.

(6) Under the operating plan, a new classification will be made at Eugene, OR, for certain stations in the Los Angeles Basin. Applicants shall submit information showing: (a) the volume of traffic in this classification; (b) the trains that will carry the traffic; and (c) how trains will move to the City of Industry without moving through the West Colton yard.

(7) Although savings from reduced car detention and reduced switching requirements at West Colton are projected, neither Mr. Kenyon's verified statement nor the operating plan shows reduced switching crew starts at West Colton. A clarification is required.

(8) Page 3 of Appendix 3 of the Operating Plan contains an error in reporting the changes in traffic density from the base year to post-consolidation; the information in the "Tons" column post-consolidation appears to be understated. A correction is required.

(9) Applicants have not complied with the requirement at 49 CFR 1180.8(a)(1) that yards expected to have an increase in activity greater than 20 percent be identified. This information shall be provided.

(10) Applicants shall also provide copies of their current freight train classification listing, blocking guides, and schedules for major terminals.

Twenty copies (plus 5 for the Office of Proceedings) of all of the above information must be filed within 5 days of the service date of this decision.

We reserve the right to require the filing of supplemental information from applicants, SPT, The Santa Fe Southern Pacific Corporation (SFSP), or any other party or individual, as necessary to complete the record in this matter.

In our Decision No. 4, served February 12, 1988, we adopted an expedited procedural schedule, a copy of which is included here. All of the filing deadlines ordered here are in accordance with the governing regulations as modified by the expedited schedule. We advise applicants and all other parties to this proceeding that, particularly because of the expedited schedule we have adopted, they must strictly comply with all requirements. If questions arise concerning an interpretation of a requirement, they may contact the Commission's Rail Section, 202–275–7245, for assistance. *See* 49 CFR 1180.4(c)(6)(iii).

The Commission's Section of Energy and Environment (SEE) has reviewed applicants' energy and environmental reports and found them generally to comport with our reporting requirements. The applicants have identified areas where minor effects of limited extent may occur. SEE intends to prepare an Environment Assessment in accordance with 49 CFR 1105.6(b)(2). Applicants shall cooperate with SEE and provide information it requests.

The applications and exhibits are available for inspection in the Public Docket Room, Room 1221, at the offices of the Interstate Commerce Commission in Washington, DC.

Any interested persons, including government parties, may participate in this proceeding by submitting written comments regarding the applications. Comments must be filed no later than May 6, 1988. An original and 20 copies must be filed with the Secretary, Interstate Commerce Commission, Washington, DC 20423. Pursuant to Decision No. 4, five additional copies of all pleadings in this proceeding must be filed directly with the Office of Proceedings, Room 2118, Interstate Commerce Commission, Washington, DC 20423.

Written comments must be concurrently served by first class mail on the United States Secretary of Transportation, the Attorney General of the United States, and the applicants' representatives. Written comments must also be served upon all parties of record within 10 days of service of the service list by the Commission. We plan to issue the service list shortly after comments have been received. Any person who files timely written comments shall be considered a party of record if they so indicate in their comments. In this event, no petition for leave to intervene need be filed. Written comments shall include:

1. The docket number and title of the proceeding;

2. The name, address, and telephone number of the commenting party and its representative upon whom service shall be made;

3. The commenting party's position, *i.e.*, whether it supports or opposes the proposed transaction;

4. A statement on whether the commenting party intends to participate formally in the proceeding or merely comment upon the proposal;

5. An analysis of the issues the Commission must consider in this proceeding. Particular attention should be given to our General Policy Statement for the merger or control of at least two Class I railroads, 49 CFR 1180.1, the statutory criteria, and antitrust policy.

Because we have adopted an expedited procedural schedule and determined that this proceeding constitutes a major transaction within the meaning of our General Acquisition Procedures, 49 CFR Part 1180, as we noted in Decision No. 5 any railroad that intends to file an inconsistent application or a petition for inclusion, trackage rights, or any other affirmative relief requiring an application to be filed with the Commission must submit a general statement of what that application is expected to include by April 12, 1988. This will be considered a prefiling notice without which the Commission will not entertain applications for this type of relief.

Parties shall not be permitted to seek any protective conditions other than those requested in their final list of protective conditions.

Parties seeking to file responsive applications must do so no later than May 6, 1988. Responsive applications include inconsistent applications and petitions for inclusion or any other affirmative relief that requires an application to be filed with the Commission (such as trackage rights, purchase, purchase of a portion, acquisition, extension, construction, operation, pooling, terminal operations, abandonment, etc.). Parties should contact Ellen Goldstein, (202) 275–7969, to obtain docket number for their responsive applications.

Petitions for waiver or clarification by responsive applicants shall be filed no later than April 12, 1988. Each responsive application filed and accepted will be consolidated with the primary application in this proceeding.

In our Decision No. 4, *supra*, we directed all parties to begin discovery immediately. The Commission will not tolerate dilatory tactics in response to discovery requests designed to elicit relevant evidence. A refusal voluntarily to supply information will be treated as an objection to the request for discovery. Responses must be served upon all parties of record, and five copies of those responses must be concurrently filed with the Commission.

The Chief Administrative Law Judge (CALJ) shall conduct a discovery conference on this matter on March 14,

1988, and another on May 12, 1988. He is authorized to resolve any discovery disputes that may arise, and to conduct further discovery conferences as necessary to resolve matters in this proceeding expeditiously. Appeals from the rulings of the CALJ will be strictly construed according to the provisions of 49 CFR 1113.15, *Interlocutory appeals*. We do not anticipate that the CALJ will certify interlocutory appeals to the entire Commission except for good cause clearly shown as provided in the regulations.

We will conclude the evidentiary phase of this proceeding by July 21, 1988. The initial decision will be waived, and the determination of the merits of the applications will be made in the first instance by the entire Commission under 49 U.S.C. 11345.

Any traffic studies and data submitted in opposition to the primary application must use calendar year 1986 data and, where relevant, use depreciation accounting, in order to be comparable with the evidence submitted by applicants. Evidence supporting protestants' responsive applications must use 1986 as the base year, and the depreciation accounting system, and applicants' evidence in opposition to the responsive applications must use 1986 and depreciation accounting.

In calculating the cost savings protestants expect as a result of traffic diverted to applicants' system, protestants must use an avoidable cost approach rather than a Rail Form A approach. *See Burlington Northern, Inc.-Control & Merger-St. L.*, 360 I.C.C. 784, 1106 (1980).

We advise protestants that, if they seek to have the primary application denied or seek conditions if approved, because they contend their ability to provide essential service and/or competition will be harmed, they must present substantial evidence in support of their positions. *See Lamoille Valley R.R. Co.* v. *ICC*, 711 F.2d 295 (D.C. Cir. 1983).

This action will not significantly affect either the quality of the human environment or energy conservation.

It is ordered:

1. The application in Finance Docket No. 32000 and petition in Docket No. MC–F–19057 are accepted for consideration.

2. The parties shall comply with all provisions as stated above.

3. This decision is effective on the date served.

Decided: March 2, 1988.

By the Commission, Chairman Gradison, Vice Chairman Andre, Commissioners Sterret, Simmons, and Lamboley. Commissioner Sterrett did not participate.

Noreta R. McGee,

Secretary.

Schedule For The DRGW-SPT Consolidation

Discovery begins immediately.

Day 1 Application filed.

D+15 Notice of the application published in the **Federal Register.**

D+20 Discovery conference on application held.

D+50 Initial list of protective conditions and description of anticipated inconsistent applications due.

D+75 Comments and protests due on the application; requested conditions and inconsistent applications due.

D+80 Discovery conference on comments, protests, conditions and inconsistent applications held.

D+100 Response to comments, protests, conditions and rebuttal in support of primary application due.

D+125 Rebuttal in support of comments, protests, conditions, and inconsistent applications due.

D+140 Briefs due, all parties.

D+150 Oral Argument.

D+160 Commission Voting Conference.

D+180 Target date for service of decision.

[FR Doc. 88–4955 Filed 3–7–88; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Antitrust Division

The National Cooperative Research Act of 1984—Corporation for Open Systems International

Notice is hereby given that, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 et seq. ("the Act"), the Corporation for Open Systems International ("COS") has filed an additional written notification simultaneously with the Attorney General and the Federal Trade Commission on February 9, 1988, disclosing a change in the membership of COS. The additional written notification was filed for the purpose of extending the protections of section 4 of the Act, limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

On May 14, 1986, COS filed its original notification pursuant to section 6(a) of the Act. The Department of Justice (the "Department") published a notice in the **Federal Register** pursuant to section 6(b) of the Act on June 11, 1986, 51 FR 21260. On August 6, 1986, September 30, 1986, January 2, 1987, March 24, 1987, June 12, 1987, July 23, 1987, July 31, 1987, October 5, 1987, October 23, 1987, November 16, 1987, and January 12, 1988. COS filed additional written notifications.

The Department published notices in the **Federal Register** in response to these additional notifications on September 4, 1986 (51 FR 31735), October 28, 1986 (51 FR 39434), February 13, 1987 (52 FR 4671), April 24, 1987 (52 FR 13769), July 21, 1987 (52 FR 27473), October 7, 1987 (52 FR 37539), November 9, 1987 (52 FR 43138), December 4, 1987 (52 FR 46129), December 15, 1987 (52 FR 47642), December 18, 1987 (52 FR 48164), and February 19, 1988 (53 FR 5060), respectively.

On November 29, 1987, the National Bureau of Standards became a member of COS, and on December 29, 1987, Combustion Engineering became a member of COS. On January 1, 1988, E.I. du Pont de Nemours & Company, Inc., The Equitable, GTE Service Corp/Telephone Operations, and the Procter & Gamble Company ceased membership in COS.

Joseph H. Widmar,

Director of Operations Antitrust Division.

[FR Doc. 88–4954 Filed 3–7–88; 8:45 am]

BILLING CODE 4410–01–M

Bureau of Justice Assistance

Narcotics Control Discretionary Grant Program

AGENCY: Bureau of Justice Assistance, Office of Justice Programs, Department of Justice.

ACTION: Final notice.

SUMMARY: The Bureau of Justice Assistance (BJA) is publishing the program announcement for the Narcotics Control Discretionary Grant Program of the "Anti-Drug Abuse Act of 1986" [SUBTITLE K—STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE] and is requesting proposals for announced programs.

EFFECTIVE DATE: March 8, 1988.

FOR FURTHER INFORMATION CONTACT: For general information about the priorities and range of discretionary programs contact James C. Swain, Director, Discretionary Grant Programs Division, 633 Indiana Avenue NW., Washington, DC 20531. For specific information on program requirements, contact the person indicated in the text for each program.

ADDRESS: All final applications and concept papers (original plus two copies) should be addressed to the Bureau of Justice Assistance, 633 Indiana Avenue NW., Washington, DC 20531. A copy of the concept paper and/or the application should also be sent to the State Office which administers the Narcotics Control Program in the state(s) affected by the proposed program.

SUPPLEMENTARY INFORMATION: The "Anti-Drug Abuse Act of 1986" that established the State and Local Assistance for Narcotics Control Program was signed into law on October 27, 1986. Section 1311 of the Act sets aside 20 percent of the total amount appropriated for the Program in a special discretionary fund for use by the Director of BJA in carrying out the purposes established in section 1302 of the Act. Those purposes can be summarized as follows:

—Providing more widespread apprehension of persons who violate state and local laws relating to the production, possession, and transfer of controlled substances;
—Providing more widespread prosecution of persons accused of violating such states and local laws;
—Providing more widespread adjudication of cases involving persons accused of violating such state and local laws;
—Providing additional public correctional resources for the detention of persons convicted of violating state and local laws relating to the production, possession, or transfer of controlled subtances; and, establishing and improving treatment and rehabilitative counseling provided to drug dependent persons convicted of violating state and local laws;
—Conducting programs of eradication aimed at destroying wild or illicit growth of plant species from which controlled substances may be extracted;
—Providing programs that identify and meet the needs of drug-dependent offenders;
—Conducting demonstration programs, in conjunction with local law enforcement officials, in areas in which there is a high incidence of drug abuse and drug trafficking to expedite the prosecution of major drug offenders by identifying major drug offenders and moving these offenders expeditiously through the judicial system.

The Bureau of Justice Assistance solicited recommendations from more than a thousand Federal, state, and local law enforcement, prosecution, judicial, corrections, and treatment practitioners to assist with the development of the priorities for the discretionary grant program. The Bureau of Justice Assistance will respond under separate cover to each respondent. Working groups of practitioners and national experts were established to review the recommendations received, to identify effective programs that are responsive to those recommendations and to recommend funding priorities in each of the program areas.

—Developing drug data sources, disseminating drug data, and developing techniques for analyzing drug data for the purpose of defining the problem and assessing the impact and effectiveness of drug control efforts;
—Extending and disseminating programs of proven effectiveness to areas of need;
—Developing and testing the effectiveness of new programs and practices;
—Developing programs that focus on key areas of criminal justice dilemma and discretion; and
—Providing training and technical assistance to assist with the implementation of effective programs and practices.

The strategy for the discretionary programs is to provide direct, and progressively more complete, information and guidance for the states in their development and implementation of statewide strategies for the conduct of the block grant program. The discretionary program is designed to enhance the capacity of each state to define the drug problem and to focus program development on areas of greatest need.

The program strategy also reflects cognizance of: (1) The specific mandate of the Bureau of Justice Assistance and its relationship to the mandates of the Departments of Education and Health and Human Services, thus the programs are limited to criminal justice and to certain key areas of linkage with other social service systems; (2) the anticipated short-term nature of Federal funding, thus programs selected are those which will provide the most direct and lasting impact; and (3) the need to put the money to work in the most immediate, responsible manner, thus program selection has been influenced by the availability of strong interest and expertise in the field. The timetables set out below in each Program Description are established to permit our obligation of these funds by the end of this Fiscal Year.

Application and Award Process:

This program announcement contains proposal requests for the major portion of the approximately $13.7 million available. The Bureau of Justice Assistance has made every effort to establish an open and competitive application process. Applications or concept papers are being requested from government agencies as well as public and private nonprofit organizations. A panel of experts will be established in each of the program areas to review those applications submitted on a competitive basis. Some awards will be negotiated directly with organizations that are uniquely qualified to provide specific services. Such awards are described in this announcement.

All applications will be reviewed to insure that they are cost effective, in addition to meeting the requirements outlined in the program description. Geographic distribution of projects will be considered for all programs that result in grants for implementation in several sites.

It should be noted that the State and Local Assistance Program received only approximately 33 percent of its FY1987 appropriation. Accordingly, many of the programs reflected herein are continuations of previously funded efforts.

Description of Discretionary Programs:

The following is a description of the programs included in this announcement and the due dates for concept papers and applications.

Authority: 1302(1).

Program Title: Crack/Focused Substance Enforcement Program.

Background: This program is a hybrid enforcement approach incorporating elements successfully utilizes in Drug Enforcement Administration (DEA), State, and Local Task Forces, Organized Crime/Narcotics Program (OCN) Task Forces and the old Law Enforcement Assistance Administration Organized Crime Discretionary Grant Program to focus on the enforcement of laws dealing with "Crack" in major urban areas. The Task Force approach to drug enforcement is recognized by enforcement and prosecutorial officials as a viable method for dealing with drug activities and can be readily adopted to the enforcement of a specific drug problem.

Goal/Objective: The goal of the Crack Task Force (CTF) Program is to improve the capabilities of State and Local law enforcement agencies to investigate and immobilize crack cocaine trafficking organizations, and to:

—Enhance the ability of law enforcement agencies to attack higher-level crack cocaine trafficking organizations significant to their areas;
—Increase the rates of arrests, prosecution, conviction, drug removals, and asset forfeitures related to crack traffickers and/or organizations;
—Reduce the incidence of armed robberies and property related crimes committed to support crack cocaine habits;
—Reduce the incidence of violent crime (i.e., homicides) related to crack cocaine distribution;
—Improve the ability of state and local officers to develop strong Federal prosecution against crack traffickers by utilizing the current Federal statutes;
—Increase the utilization of Continuing Criminal Enterprise (CCE) and Racketeer Influenced Corrupt Organizations (RICO) statutes to target and immobilize crack trafficking organizations; and,
—Facilitate the development, implementation, and dissemination of intelligence information on crack trafficking organizations by all members involved in the CTFs.

Program Description: This particular effort will significantly enhance state, local, and Federal efforts to combat the rapidly growing availability of crack and the threat it poses to our nation's youth. This enhancement reflects the basis of our overall enforcement strategy of integrated operations and makes available the resources to establish viable crack task forces in metropolitan areas where they presently do not exist. The program includes the participation of the U.S. Attorneys and the Drug Enforcement Administration. Federal Agency participation in each project is a program requirement. Grant funds will be used primarily for confidential expenditures, purchase of evidence/purchase of informants (PE/PI), overtime, specialized equipment, if necessary, and some administrative costs. DEA will pledge personnel and technical assistance support to each of these efforts.

Grant Period: Sites will generally be selected from the FY1987 competitive list by BJA based on the developed criteria used by peer panels. The projects duration will be 15 months to include 3 months start-up and 12 months of operation.

Award Amounts: The three individual projects will be funded at approximately $350,000 each for a program total of $1,050,000.

Eligibility Criteria: N/A.

References: **Federal Register** / Vol. 52, No. 53 / Thursday, March 19, 1987.

Due Dates: Since applicants will be selected from the FY 1987 competitive list, no due dates are being announced.

Contact person: The BJA contact for additional information on this program is Richard H. Ward, Chief, Law Enforcement Branch, 202/272–4601.

Authority: 1302 (1).

Program Title: Expert Systems for Residential Burglaries—A Demonstration Program.

Background: This program was first announced in the May 6, 1987, **Federal Register**; however, the Bureau made the decision not to fund the entire program at that time. Rather, under the Justice Assistance Act, we supported Phase One of a two-phase program, which is the design and preparation work for the demonstration program. Phase One included the search and preliminary screening for up to four demonstration sites. This announcement concerns Phase Two. Funding for Phase Two will be made available in two distinct awards, one under the Justice Assistance Act, and another under the Anti-Drug Abuse Act, as research results clearly indicate a direct link between drug crime and burglary. The January 21, 1988, report from the new Drug Use Forecasting (DUF) System shows from 59 percent to 79 percent of arrestees for serious crimes, including burglary, in 12 major cities tested positive for illicit drugs.

The focus of the demonstration program is an artificial intelligence system, based on research originally conducted in the United Kingdom, designed to assist police agencies in the successful investigation of residential burglaries. An advanced system is now being implemented simultaneously in Devon-Cornwall, England, and in Baltimore County, Maryland, utilizing more powerful hardware and more sophisticated software. The Baltimore County system will be operational this month. Operations and results will be evaluated by the Bureau, and if successful, we will proceed with the demonstration phase.

This effort will provide a specific drug crimes focus to this system and analyze trends in drug use and trafficking, to target suppliers, and fences, particularly those who trade drugs for stolen goods.

Goal/Objective: 1. To introduce expert systems to the law enforcement community and demonstrate their effectiveness in narcotics trafficking control.

2. To reduce the developmental costs of these systems by transferring existing operational systems to other sites under an orderly schedule.

Program Description: The Bureau will supplement the existing Cooperative Agreement with the Jefferson Institute for Justice Studies. The Jefferson Institute has been a major contributor to the earlier British research, and is currently responsible for the implementation of the Baltimore County system. Potential sites to install up to four artificial intelligence systems following the Baltimore prototype have been selected by BJA under Phase One. Personnel from demonstration sites will be trained by the Jefferson Institute and Baltimore County, based on the Baltimore system and experience. Technical assistance will be provided to each site in the development of site-specific "rules" for the artificial intelligence system.

Grant Period: The Bureau will enter a Cooperative Agreement with the Jefferson Institute for Justice Studies for a period of 18 months.

Award Amounts: Approximately $275,000 will be awarded under this program.

Eligibility Criteria: N/A.

References: N/A.

Due Dates: The Cooperative Agreement will be negotiated by May 14, 1988.

Contact Person: The BJA contact person for additional information is Fred W. Becker, Law Enforcement Branch, 202/272–4605.

Authority: 1302 (1).

Project Title: Clandestine Laboratory Enforcement Training and Technical Assistance Program.

Background: Safety, legal, administrative, and regulatory issues surrounding the seizure of clandestine laboratories and the prosecution of criminals responsible for the laboratories are very complex. Law enforcement officials are beginning to have a better knowledge of the special kinds of information needed by our uniformed and non-uniformed officers and investigators. This information has been accumulated through the detection and seizure of several hundred clandestine laboratories. These hard won experiences have helped to identify the hazards associated with these operations. Clandestine laboratories contain poisonous, flammable, and explosive chemicals. These chemicals are used, by criminals, with inadequate training and equipment to perform dangerous syntheses of controlled substances. There is a clear danger to the immediate community adjacent to the clandestine laboratory, to our law

enforcement officers, and to the officers families.

Goal/Objective: To provide law enforcement officials, prosecutors, state and local government elected officials, and government regulatory agency personnel with the information necessary and the opportunity to learn the protocols and methodologies necessary to safely investigate clandestine laboratories.

Program Description: BJA will negotiate and award a cooperative agreement with the National Sheriffs' Association (NSA) to provide law enforcement officials, state and local government elected officials, and government regulatory agency personnel with the information necessary to act in defense of the health of law enforcement officers assigned to investigate and seize clandestine laboratories, collect dangerous chemicals as evidence for prosecution, and transport and store dangerous chemicals. The NSA has been operating the HAZARDOUS MATERIAL INFORMATION SYSTEM working with State and local law enforcement officials through the National Law Enforcement Telecommunication System. This on-going experience coupled with the ready made organizational structure of the state sheriffs' associations, will enhance BJA's ability to begin the flow of information as soon as possible. All of the state and/or regional training and awareness efforts will include the input of the officials of the Drug Enforcement Administration (DEA).

Grant Period: The National Sheriffs' Association Cooperative Agreement will be funded for an 18 month period.

Award Amount: Approximately $450,000 will be awarded to the National Sheriffs' Association.

Eligibility Criteria: N/A/.

References: N/A.

Due Dates: The Cooperative Agreement will be negotiated by April 15, 1988.

Contact Person: The Bureau of Justice Assistance contact for additional information is Richard H. Ward, Chief, Law Enforcement Branch, 202/272–4601.

Authority: 1302 (1).

Project Title: Clandestine Laboratory Model Enforcement Program.

Background: This program is designed to develop and implement law enforcement, prosecution, and forensic chemist teams in different geographic areas of the country, for the purpose of responding to requests to investigate clandestine laboratories. The program is complementary to the Clandestine Laboratory Enforcement Training and Technical Assistance Program, in that it is envisioned that these teams could also act as technical assistance resource teams for law enforcement agencies and prosecutors, in addition to their actual investigations.

Goal/Objective: To develop law enforcement resources that have a comprehensive understanding of the techniques and methodology to plan, organize, and manage the investigation of clandestine laboratories and the prosecution of the offenders.

Program Description: A number of statewide enforcement projects will be funded to develop and implement centrally coordinated multi-jurisdictional activities to investigate clandestine laboratories and prosecute the perpetrators responsible for these crimes. Emphasis will be on establishment of an interdisciplinary response to clandestine laboratories throughout a state area and a formal mechanism whereby investigative (including forensic chemists) and prosecutorial resources can be allocated, trained, equipped, focused, and managed to achieve maximum criminal and civil remedies with maximum safety. Critical to the success of this program is a shared management system of integovernmental law enforcement and prosecutorial resources. An appropriate representative of the Drug Enforcement Administration must be among the intergovernmental law enforcement members of each project.

BJA will also provide funds for a limited number of clandestine laboratory safety kits, that will be modeled after those kits developed by DEA. The kits will be purchased and maintained by each of the BJA's Regional Information Sharing System (RISS) sites to effect a coordianted delivery of the kits to law enforcement officials who have been certified by DEA to use the kits for entry into clandestine laboratories.

Grant Period: The Regional Clandestine Laboratory Enforcement Projects will be funded for 18 months with an expected three months start up phase that will allow for a fifteen month implementation phase.

Each of the RISS projects will be funded for a period of six months to purchase the safety kits and coordinate subsequent delivery and maintenance activities with DEA for BJA approval.

Award Amounts: Each of the Regional Clandestine Laboratory Enforcement Projects will be funded in the range of $250,000 to $275,000 not to exceed a total amount of $1,400,000. Each of the six RISS projects will be awarded supplemental grants in the amount of approximately $25,000. The total Program amount will be approximately $1,511,600.

Eligibility Criteria: BJA, with input from the DEA, will select applicant law enforcement agencies based on observed capacity to conduct a complete and fully coordinated investigation program in areas in which there is evidence of significant clandestine laboratory operations. Applicant agencies will be limited to agencies with statewide law enforcement jurisdiction. BJA will also consider the following criteria:

—Joint agency management and direction of investigations and prosecutions including the presentation of signed formal agreements;

—A coordinated approach to the clandestine laboratory problem that results in a major impact on illicit drug trafficking not achievable through a single agency;

—Standardized procedures for central collection and dissemination of information for joint case administration and for investigative techniques and approaches;

—organizational and staffing plan;

—anticipated safety protocols to be worked out with local, state, and Federal regulatory agencies and appropriate state and local elected officials;

—standardized procedures for the seizing of the clandestine laboratories and evidence handling, storage, and destruction.

References: N/A.

Due Dates: All applications are due at BJA by April 15, 1988.

Contact Person: The BJA contact for additional information on this program is Richard H. Ward, Chief, Law Enforcement Branch, 202/272–4601.

Authority: 1302 (1).

Project Title: Street Sales Enforcement Program.

Background: In theory, street-level drug enforcement is one of the most effective uses of local police resources to combat drugs and the problem they create. For every innovative program that has succeeded, an almost identical program has been much less successful. This suggests that jurisdictions should design and implement their own program tailored to their own local conditions, and relying on the full range of local law enforcement, municipal, and community resources available. Collection and analysis of drug market and abuse data is important. Without them, the police run the risk of concentrating on less important markets or individuals, or of displacing the

problem to different times, places, and distribution networks. The lack of good information also makes it difficult to redirect efforts once they have begun.

Goal/Objective: To demonstrate effective police efforts to target street level narcotic dealers and buyers through effective planning, investigation, and prosecution.

Program Description: This demonstration program will be offered for the purpose of strengthening urban enforcement and prosecution efforts targeted on street narcotics dealers and buyers.

One project, to be selected from the FY1987 competitive list by BJA, will be funded to plan for and implement or strengthen existing large city narcotic investigation and prosecution efforts targeted at street level narcotic dealers and buyers.

Grant Period: The site will be selected from the FY1987 competitive list by BJA based on the developed criteria used by peer panels. The project will be funded for 18 months with the expectation that it will go through a 3 month organization and planning phase, and a 15 month implementation phase.

Award Amounts: One project will be awarded for approximately $350,000.

Eligibility Criteria: N/A.

References: **Federal Register** Vol. 52, No. 53/Thursday, March 19, 1987.

Due Dates: Since the applicant will be selected from the FY1987 competitive list, no due dates are being announced.

Contact Person: The BJA contact for additional information on this program is Richard H. Ward, Chief, Law Enforcement Branch, 202/272–4601.

Authority: 1302 (1).

Program Title: National Forensic Crime Laboratory Information System.

Background: DEA's purchases and seizures now largely constitute the System to Retrieve Information from Drug Evidence (STRIDE). The BJA and the DEA have long been interested in developing a comprehensive, nationwide information system that includes the forensic analysis data generated from the buys and seizures of local and state law enforcement agencies, as well as DEA. The local and state system could be used to better describe the drug problem, provide intelligence information, and guide operational and policy issues connected with illegal drug distribution.

The feasibility of such a new system is based on a survey of forensic laboratories conducted in the spring of 1986 by DEA. The survey collected information about organization, staffing, workload, procedures, kind of drug testing information kept by laboratories, and whether labs would report drug testing results to a system that would accumulate such data from many laboratories. In addition, representatives of BJA, DEA, the National Criminal Justice Association, the Criminal Justice Statistics Association, and the American Society of Crime Laboratory Directors met several times during the summer and fall of 1987 to discuss the feasibility of this system. Support for the system appears to be unanimous. It also appears that building a single information system from data provided by a heterogeneous group of forensic crime laboratories is realistic. In the end, however, feasibility depends on the scope, volume, and type of data; data uniformity; data accessibility; and willingness of agencies to cooperate.

Goal/Objective: To develop and implement a comprehensive, nationwide information system that includes the forensic analysis data generated from the buys and seizures of illegal narcotics and drugs by local and state law enforcement agencies, as well as DEA.

Program Description: BJA will negotiate a cooperative agreement with a private nonprofit corporation for the purpose of, (1) providing guidance for decision making and policy in this area; (2) developing a software program to operate a data reporting system; (3) provide for regional training of forensic laboratory personnel to generate uniform data from laboratory to laboratory; and (4) provide technical assistance to a minimum of four forensic crime laboratories for the purpose of creating host sites to demonstrate the system. Program development and implementation must be overseen by a Project Advisory Board made up of Federal, state and local officials.

Grant Period: This Cooperative Agreement will have a duration of fifteen months.

Award Amounts: The award will be in the amount of $300,000.

Eligibility Criteria: Private non-profit organizations are requested to submit proposals. Award recommendations will be made based on the quality of task performance plans, the expertise of applicant staff, and the proposed use of funds.

References: N/A.

Due Dates: The application will be due to the Bureau of Justice Assistance by April 15, 1988.

Contact Person: The BJA contact for additional information on this program is Richard H. Ward, Chief, Law Enforcement Branch, 202/272–4601.

Authority: 1302 (1).

Program Title: Drug Corruption Program.

Background: The Bureau of Justice Assistance is currently spending a great deal of Federal funds to implement drug control strategies in various local and state law enforcement agencies. These programs are intended to impact nearly every level of narcotics and dangerous drug interdiction and control, from street level to organized crime. Regardless of the monies provided by the Federal Government, unless the programs implemented by local and state law enforcement are managed and operated by police officers that maintain high standards of integrity, the programs will be seriously hampered by corruption, abuse, and neglect.

Goal/Objective: To aid local and state law enforcement officials in planning, implementing, managing, and evaluating programs, projects, and processes designed to ensure police integrity against the threat of corruption from illicit drug activity.

Program Description: The Bureau of Justice Assistance will negotiate a Cooperative Agreement with a national law enforcement professional association to study corruption and integrity problems caused by the unusual amounts of money involved with illicit drug and narcotic trafficking. BJA proposes that a front end study into the causes of corruption and the positive things law enforcement agencies are doing to prevent the problems be implemented in four to five sites. The final product will be a monograph to be provided to law enforcement officials upon request.

Grant Period: This program will be funded for a period of 15 months.

Award Amount: This cooperative agreement will be funded up to $375,000.

Eligibility Criteria: National law enforcement professional associations are requested to submit applications for the study. Award recommendations will be made based on the quality of task performance plans, the expertise of applicant staff, and the proposed use of funds.

References: N/A.

Due Dates: Applications are due at BJA by April 15, 1988.

Program Contact: The BJA contact for additional information on this program is Richard H. Ward, Chief, Law Enforcement Branch, 202/272–4601.

Authority: 1302 (1).

Program Title: Problem—Oriented Approach to Drug Enforcement.

Background: Problem—oriented policy is the outgrowth of 20 years of research into police operations that converge on three main themes: Increased effectiveness by attacking underlying

problems that give rise to incidents that consume patrol and detective time; reliance on the expertise and creativity of line officers, as well as other agency support systems, to study problems carefully and develop innovative solutions; and closer involvement with the various communities within a jurisdiction to make sure the police are addressing the needs of citizens.

Goal/Objective: To create a controlled substance abuse assessment mechanism that incorporates the views of line officers, department support groups, and citizens for guiding policy and resource allocation to effect a coordinated response to the illicit drug problem by law enforcement officials, medical facilities, local schools, drug treatment facilities, and other community organizations.

Program Description: The purpose of this program is to help police and their communities deal more effectively with illicit drug trafficking and use. Although progress has been made in some areas, the search for solutions remains foremost on the agendas of criminal justice administrators, educators, parents, and the community at large. Success in addressing this problem has been limited due to five complex factors that are present to some degree in every community:

—The diversity of the controlled substances (both legal and illegal) abused and the changing patterns of abuse;
—The dynamic nature of communities in general, their changing population patterns, social interactions, and changing values;
—The inadequacy of information and data measuring techniques to evaluate the extent and scope of the overall problem and underlying causes of the problem;
—The lact of comprehensive strategies to combat the problem; and,
—The lack of full coordination of the resources employed to control the problem.

One to two additional law enforcement sites will be funded to develop reliance on the expertise and creativity of line officers and support personnel to study the drug enforcement problem carefully and develop innovative responses for arrest of drug traffickers and users, to seize illicit drugs and offender assets, and to complete successful prosecutions.

Grant Period: A supplement to the existing Cooperative Agreement will be awarded to the Police Executive Research Forum (PERF) to assist BJA with site selection and to provide assistance to the sites for a period of 18 months.

Award Amount: The supplement to the existing Cooperative Agreement will be awarded in the amount of $200,000.

Eligibility Criteria: One to two sites will be recommended by PERF and selected by BJA according to their ability to:

—Develop a community/police organizational structure for implementing the program;
—Generate a community-based data collections system for selected controlled substance abuse indicators;
—Implement a method for correlation and analysis of controlled substance abused data with census track demographic data;
—Utilize a method which will yield information from line officers and department support services together with data from the community that will allow for problem assessment and a coordinated response to the problem; and,
—Develop a weighting system to establish and demonstrate the relationship between controlled substance and serious criminal activity.

References: N/A

Due Dates: Since these funds will be contracted by PERF to BJA selected sites, no due dates are being announced.

Contact Person: The BJA contact for additional information on this program is Richard H. Ward, Chief, Law Enforcement Branch, (202) 272–4601.

Authority: 1302 (1).

Program Title: Drug Use Forecasting (DUF)

Background: This program provides continued support to efforts by the National Institute of Justice (NIJ) to report on the prevalence and type of drug use among arrestees in American cities. The program was initially based on extensive research conducted by NIJ in two major cities. This research was designed to determine the relative risk to the public resulting from pretrial release of drug using arrestees. One by-product of this effort was the determination that drug use was much more prevalent than anticipated; over half of the arrestees at these two sites having used drugs just prior to the arrest. Testing conducted, under the initial DUF effort, in ten additional cities indicates that these two major cities are representative of the country as a whole.

Goal/Objective: This program will provide, to local, state, and Federal governments, specific information on the prevalence and type of drug use among arrestees, in up to 25 sites and by inference in the country as a whole.

Program Description: An Interagency Agreement will be negotiated with the National Institute of Justice to support periodic urinalysis of arrestees, in up to 25 sites, for the purpose of determining the prevalence of drug use and the kinds of drugs being used. This continuation will provide a broader base of information, by which to determine the rates and kinds of drug use in the nation as a whole, and by which to identify regional variations. The NIJ will identify sites in addition to the twelve now participating, will test a representative sample of arrestees quarterly, and will report on the findings. This effort is directly supportive of BJA efforts underway to document and transfer the testing approach employed in Washington, DC, and will contribute directly to the development of other testing efforts which are a part of this discretionary program and which are envisioned in state block programs.

Grant Period: This award will be for eighteen months.

Award Amount: One award, through an Interagency Agreement, will be negotiated in the amount of $500,000.

Eligibility Criteria: The Interagency Agreement will transfer the funds to the National Institute of Justice; criteria for site selection will be the responsibility of the National Institute of Justice.

References: N/A.

Due Date: Application for the Interagency Agreement will be due to the Bureau of Justice Assistance by April 15, 1988.

Program Contact: The Bureau of Justice Assistance contact for additional information is John Gregrich, Chief, Information Systems Branch, 202/272–4601.

Authority: 1302 (1).

Program Title: State Strategies Assessment.

Background: The Sections of the Anti-Drug Abuse Act, which are administered by the Bureau of Justice Assistance, require each participating state to develop a statewide drug strategy. A data based strategy process is essential to maximize the impact of the program funds on the drug problem; but it is also a substantial burden, given the dynamic state of information related to drugs and crime. Given the nature of the challenge facing state and local criminal justice systems, BJA is intent on providing assistance regarding strategy development and implementation.

Goal/Objective: This program will assist the states and the Bureau with the identification of existing data sources, the use of various data collection and analysis techniques, and the evaluation

of the impact of the statewide drug strategies.

Program Description: The BJA has negotiated a grant with the Criminal Justice Statistics Association to: Provide technical assistance to the states in data collection and analysis techniques; design a scheme for the evaluation of the impact of statewide strategies on the drug problem and the criminal justice system; evaluate the strategy implementation in selected states to determine the factors that are critical to an effective approach to drug control; and develop criteria, based on these evaluations, that BJA should use in reviewing the state strategies. This process was in place for the FY 1987 Formula Grant Strategies. BJA will supplement the project with $200,000 to continue the effort through the FY1988 funding cycle.

Grant Period: This award will be for eighteen months.

Award Amount: One supplemental award will be made in the amount of $200,000 to the Criminal Justice Statistics Association.

Eligibility Criteria: The award will be made to the Criminal Justice Statistics Association, on a non-competitive basis, due to the Association's unique qualifications and relationship with the Statistical Analysis Centers in the states.

References: N/A.

Due Date: The application will be due to the Bureau of Justice Assistance by April 15, 1988.

Program Contact: The Bureau of Justice Assistance contact for additional information is Patricia Malak, Program Policy and Management Division, 202/272-6838.

Authority: 1301 (1).

Program Title: Criminal Justice Management of High-Risk Populations.

Background: The link between drug use, particularly intravenous drug use, and virulent communicable diseases like hepatitis, is well established. Intravenous drug users, injecting a variety of drugs, are now a particularly important conduit for the spread of the acquired immune deficiency syndrome (AIDS). These drug users represent the second largest group of persons to have developed AIDS in the United States. A 1986 study by the Center for Disease Control documented persistent fear of AIDS among law enforcement and corrections personnel. One CDC survey of criminal justice personnel indicates that 93 percent are concerned about the possibility of contracting the disease via methods not associated with its transmission.

To ensure that law enforcement officers and other criminal justice professionals engaged in the control of drug abuse perform their duties effectively and without unnecessary fear, training programs that address the management of individuals arrested and incarcerated for drug trafficking and abuse, and are suspected or diagnosed with AIDS, need to be developed and implemented in a timely and systematic manner.

Goal/Objective: To provide local and state law enforcement and other criminal justice officials engaged in the control of drug abuse with the necessary knowledge and management skills to develop and implement appropriate policies and procedures for offenders suspected of or diagnosed with AIDS.

Program Description: The Bureau of Justice Assistance will negotiate a Cooperative Agreement with the National Sheriffs' Association to provide criminal justice officials with training materials, to serve as a broker and/or provider of technical assistance, and to provide regional training sessions throughout the nation concerned with drug abuse and aids. The National Sheriffs' Association (NAS) has taken the lead among criminal justice organization in developing and delivering comprehensive AIDS training for corrections officers through a 1986 effort with the National Institute of Correction. NSA will use this experience as basis for this program.

Grant period: This Cooperative Agreement will be negotiated for a period of 18 months.

Award Amount: The award will be in the amount of $425,000.

Eligibility Criteria: A Cooperative Agreement will be negotiated with the National Sheriffs' Association (NSA), a national, field based association, expert in AIDS training and technical assistance, and in AIDS related issues facing criminal justice personnel.

References: The National Institute of Corrections/National Sheriffs' Association publications, *AIDS, Improving the Response of the Correctional System,* and *AIDS: 100 Questions and Answers.*

Due Dates: The National Sheriffs' Association's application is due at the Bureau of Justice Assistance April 15, 1988.

Contact Person: The Bureau of Justice Assistance contact person for additional information is Jody Forman, Information Systems Branch, 202/272-4601.

Authority: 1302 (1)

Program Title: Drug Evaluation and Classification Demonstration and Documentation Program.

Background: State and local law enforcement have dealt with a growing number of cases in which impaired drivers have registered below the legal level for impairment on tests generally used for the presence of alcohol. It has been the view of many officials that many of these drivers are impaired by other or additional drugs, for which tests have not been routinely administered. In response to this problem, the Los Angeles Police Department and the Department of Transportation, over the past ten years, have refined a specific procedure and training curriculum for drug impairment recognition and classification. It is a standardized, systematic method of examining a person suspected of a drug related offense to determine: Whether the person is impaired; whether the impairment is drug related; and which of the seven categories of drugs is the likely cause of the impairment.

Goal/Objective: To provide local and state law enforcement agencies with documented procedures for the detection of categories of drugs used by drug offenders.

Program Description: Under an Interagency Agreement, negotiated with the Department of Transportation, the Bureau of Justice Assistance will provide support for additional resources to transfer the Drug Evaluation and Classification Process to pilot sites. Information gathered through this demonstration will be made available to the states to guide state and local Formula Grant allocations for continued technology transfer.

Grant Period: This award will be for a period of 12 months.

Award Amounts: One Award, through a negotiated Interagency Agreement, will be made in the amount of $80,000.

Eligibility Criteria: An Interagency agreement will be negotiated with the Department of Transportation.

References: N/A.

Due Date: The Interagency Agreement will be negotiated by April 15, 1988.

Program Contact: The Bureau of Justice Assistance contact for additional information is John Gregrich, Chief, Information Systems Branch, 202/272-4601.

Authority: 1302 2.

Project Title: Statewide Drug Prosecution Program.

Background: BJA has undertaken a Demonstration Program that is designed to enhance the ability of state and local

criminal justice agencies to investigate and prosecute multi-jurisdictional narcotics trafficking crimes through the establishment of statewide prosecution capabilities. In many states, drug trafficking conspiracies and offenders do not contain themselves within one city, county, or judicial district. The diffusion of responsibility among state and local jurisdictions usually works to the advantage of the criminal groups. The enforcement and prosecution communities' response to the conspiracy/offense may be fragmented, duplicative, or limited, resulting in the lack of prosecution or, at least, a reduction in the level or seriousness of the crimes prosecuted.

Goal/Objective: To develop statewide enforcement and prosecution projects to assist state and local law enforcement agencies bring the full impact of state law to bear on specifically targeted narcotics trafficking conspiracies and offenders in states that have statutory authority to undertake statewide prosecutions but lack the necessary resources to initiate activities under these statutes.

Program Description: Two additional statewide enforcement/prosecution projects will be funded to develop and implement centrally coordinated multijurisdictional activities within a state to investigate drug trafficking conspiracies that cross jurisdictional lines and to undertake statewide prosecutions. Emphasis will be placed on the enforcement of both civil and criminal statutes that are similar to the Federal Racketeer Influenced and Corrupt Organizations (RICO) statute, the Federal Continuing Criminal Enterprise (CCE) statute, and Title I of the Federal Anti-Drug Abuse Act. Emphasis will also be placed on a formal mechanism whereby investigative and prosecutorial resources can be allocated, focused, and managed against targeted drug traffickers. Critical to the success of this program is a shared management system of intergovernmental law enforcement/prosecutorial resources.

Grant Period: Projects will be funded for 18 months with the expectation that they go through a 3-month organization and planning phase, and a 15-month implementation phase.

Award Amounts: Two additional sites will be awarded funds in the range of $375,000 to $400,000 each and a potential technical assistance component funded for a total amount of up to $1,200,000.

Eligibility Criteria: Final selection will be based on the following eligibility criteria:

—The capacity of the participating agencies to conduct a complete and fully coordinated approach;

—The presence of requisite legal authority coupled with willingness of executive officials to utilize available authority, as evidenced by:

(1) The presence of an attorney general, statewide prosecutor, or other prosecutorial official with statewide or multi-jurisdictional prosecutive authority, coupled with adequate available investigative authority;

(2) The presence of a special prosecution unit at the state level with appropriate operational experience in prosecuting multi-jurisdictional or complex criminal conspiracy cases in areas such as narcotics trafficking, organized crime, financial or white collar crime, corruption, racketeering forfeiture, and related areas; and

(3) The presence of an office at the state level with criminal law jurisdiction either primary or concurrent with local prosecutors (district attorneys) in the investigation and trial prosecution of all criminal cases, or primary or concurrent selected trial level prosecution in multi-jurisdictional or complex cases (as specified above);

—the existence of a coordinated approach to the narcotic crime problem, as evidenced by:

(1) Statutory authority or formal agreements coordinating local law enforcement/prosecutive agencies and efforts with state agencies; and

(2) Statutory authority or formal agreements coordinating investigative agencies and efforts with prosecutive agencies;

—The availability of investigative resources and capabilities necessary to support prosecutive operations, as accomplished by either an appropriate statewide investigative authority or a formalized agreement of coordinated local agency support to the statewide prosecutive effort;

—Proposed criteria to be used in the selection and prosecution of cases, including jurisdictional definition of categories of criminal cases acceptable and criteria for level of significance and impact, whether by statute, mandate, or official policy; and

—The anticipated impact on illicit drug conspiracies and the criminal justice system as measured by the level of drug related crime, criminal offenders, and criminal activity in such areas as seriousness, type, amount, and nature, along with outcomes, results, cases, arrests, prosecutions, convictions, recoveries, and asset seizures.

References: N/A.

Due Dates: Applications must be postmarked no later than April 15, 1988.

Contact Person: The BJA contact for additional information on this program is Richard H. Ward, Chief, Law Enforcement Branch, 202/272-4601.

Authority: 1302(2).

Program Title: Utilization of State Racketeer Influenced and Corrupt Organization (RICO) Statutes to Interrupt Criminal Enterprises Trafficking in Illicit Drugs and Narcotics.

Background: Following the Federal Government's example, at least 26 states have enacted RICO statutes; however, these statutes vary significantly in the effectiveness of their specific provisions and their utilization as law enforcement and prosecutorial tools to attack criminal enterprise. Four states have been identified as currently utilizing a RICO statute as an effective means of curtailing or eliminating such illegal enterprises. Individual reviews are being completed for each of these States' statutory provisions and the Attorney General's Office successful use of RICO in proceeding against organizations or individuals engaged in drug trafficking.

Goal/Objective: To provide technical assistance and limited financial assistance to selected state Attorneys General offices to enhance their state's RICO statute's provisions and to conduct statewide investigation and approrpiate criminal and civil proceedings to attack and interrupt enterprises trafficking in drugs.

Program Description: This effort will enhance the capabilities of a State's Attorney General, as the highest law enforcement official, to become more effective in coordinating and directing state-wide efforts to disrupt major organizations involved in illegal drug activities. Through technology transfer and direct assistance to selected Attorneys General, improvements to a state's RICO statute will be recommended. The Attorney General's Office will also adopt the procedures and techniques proven most effective in the state successfully utilizing a RICO statute to attack and cripple criminal enterprises. An emphasis will be on Attorneys General assuming the primary role for coordination and assisting in state-wide (multi-jurisdictional) investigations, including the development of a capability for complex finanical investigations associated with the seizure and forfeiture of ill-gotten assets. The Attorney General's Office will follow the investigation with aggressive application of all the

appropriate legal procedures available under the state's RICO statute to remove the organizations or individuals from illegal drug trafficking.

Grant Period: This program will be funded for an eighteen month period.

Award Amounts: Approximately $500,000 will be awarded to provide technical assistance to state Attorneys General; two state Attorneys General offices are to be selected as model demonstration sites and each will be awarded funds up to $100,000, for a program total of $700,000.

Eligibility Criteria: The National Association of Attorneys General is expected to be the grantee. The National Association of Attorneys General is uniquely qualified to serve as the grantee for this effort due to their ongoing work in this area and their organizational network of contracts necessary to successfully achieve this program's objectives.

References: N/A.

Due Dates: Application to be submitted by 15 April 1988.

Program Contact: The Bureau of Justice Assistance contract for further information is Charles M. Hollis, Chief, Prosecution Branch, 202/272–4601.

Authority: 1302(7).

Program Title: Organized Crime/ Narcotics Trafficking Enforcement Technical Assistance and Training Program.

Background: A clear picture of the changing nature of organized crime emerged from the records of the President's Commission on Organized Crime. Its methods are brutal, and its scope is pervasive. The principal income-generating activity for organized crime is the production and distribution of illegal drugs, at $80 billion a year.

Development of successful cases against organized crime narcotics trafficking conspiracies requires utilization of unique investigative techniques. Civil and criminal forfeiture of assets are now recognized by law enforcement as an effective means of depriving illicit drug traffickers of economic support and incentive. A formal mechanism whereby shared interdisciplinary resources are centrally coordinated can work to immobilize targeted offenders who manage these networks and organizations.

Goal/Objective: To provide specialized technical assistance and training in support of the Anti-Drug Abuse Act Formula and Discretionary Grant programs in the area of multi-jurisdictional law enforcement and prosecution approaches to narcotics trafficking. This program is designed to assist state and local criminal justice agencies develop and implement shared management programs involving multiple jurisdictions, and directed toward disrupting illegal narcotics trafficking at the highest conspiratorial levels.

Program Description: The Institute for Intergovernmental Research (IIR) will provide and manage the delivery of technical assistance and training services for multi-jurisdictional law enforcement and prosecution efforts. These services will be provided in conjunction with the continuing coordination role of IIR with regard to the Organized Crime Narcotics Trafficking (OCN) Program. Expertise and examples derived from the OCN program will be applied to other jurisdictions experiencing similar problems on an as needed basis after approval by BJA.

The inter-jurisdictional nature of drug trafficking today requires cooperation and coordination not only among multiple law enforcement agencies, but also between law enforcement and prosecution. These coordinated efforts face unique impediments that must be overcome in order to assure effective operations. Technical assistance and training will be provided in areas that include: Geographical differences; varying authorities and disciplines; interagency agreements; case control; case managment and tracking (including the use of micro-computer capabilities); investigative target selection; matters of liability; and, conflicts in agency policy and procedures.

In order to provide service delivery as efficiently as possible, consideration will be given to cost savings, cost sharing by the recipient agencies, regional scheduling, and use of current OJP and OCN resources wherever relevant and practical. Technical assistance needs will be handled by screening and verifying assistance requested, developing a pool of practitioner experts, facilitating and providing assistance, arranging followup, and evaluating service provision. Training needs will be met by developing course curricula, selecting training sites, developing a pool of expert instructors, delivering and supervising services, and evaluation of training.

Grant Period: The duration of the grant will be 18 months.

Award Amounts: One grant will be awarded for $100,000.

Eligibility Criteria: This award will be made to the Institute for Intergovernmental Research to expand BJA efforts under the OCN Program awarded in FY1987.

References. N/A.

Due Date: N/A.

Program Contact: The BJA contact for additional information on this program is Richard H. Ward, Chief, Law Enforcement Branch, 202/272–4601.

Authority: 1302 (7).

Program Title: Organized Crime/ Narcotics Trafficking Enforcement Combined Operations Program.

Background: Development of successful cases against organized crime narcotics trafficking conspiracies requires utilization of unique investigative techniques. Civil and criminal forfeitures of assets are now recognized by law enforcement as an effective means of depriving illicit drug traffickers of economic support and incentive. A formal mechanism whereby shared interdisciplinary resources are centrally coordinated can work to immobilize targeted offenders who manage these networks and organizations.

During the implementation of the twenty-one Organized Crime Narcotics (OCN) Trafficking Enforcement projects, funded during FY1987, an awareness developed of the commonality and mobility among the project regions of certain criminal elements and organizations. These criminal cartels, primarily interstate in nature, were observed to operate in two or more OCN project locations as well as in non-project locations.

Global/Objective: To develop regional enforcement projects to assist state and local law enforcement agencies through joint operations with Federal personnel and to remove specifically targeted major organized crime narcotic trafficking conspiracies and offenders through investigation, arrest, prosecution, asset forfeitures and conviction.

Program Description: Funds awarded under this program will be used to augment and expand current activities being administered by the Institute for Intergovernmental Research under the OCN project. Law enforcement officials from participating jurisdictions will identify common targets operating in two or more OCN project sites.

OCN project network cases will move beyond information sharing to shared management of resources in joint, multi-state enforcement operations aimed at the arrest and prosecution of the individual criminals, wherever they may be located within the program area. OCN project network cases will be developed on an ad hoc basis, pooling together a control group of affected agencies for the limited time necessary

to secure successful investigative conclusions.

Appropriate participants would include Federal and prosecutive agencies, as well as state and local law enforcement agencies. DEA concurrence would be mandatory in these operations. The control group will develop an investigative plan and an investigative budget, consistent with existing OCN guidelines. For the purpose of each such investigation, one participating state or local agency will agree to be administratively responsible for the network investigative funds.

Grant Period: The project will be funded for 18 months.

Award Amount: $100,000 is allocated for the program.

Eligibility Criteria: The Institute for Intergovernmental Research will be the designated grantee for this program, and will recommend sites to BJA from among existing OC/N projects.

Due Date: N/A.

Program Contact: The BJA contact for additional information about this program is Richard H. Ward, Chief, Enforcement Branch, 202/272–4601.

Authority: 1302 (2)(3)(4).

Program Title: Adjudication Technical Assistance Program.

Background: Since FY1986, The Bureau of Justice Assistance (BJA) has been providing technical assistance in prosecution and court related matters to state and local jurisdictions through the Adjudication Technical Assistance Program (ATAP). During this time, the volume and complexity of drug-related problems confronting courts and other parts of the justice system have become apparent. This supplement will allow the EMT Group, Inc., to augment the current operations of this program to meet the increased need for technical assistance in this area.

Goal/Objective: BJA's Adjudication Technical Assistance program will be given additional resources to assure that it can respond adequately and effectively to state and local jurisdictions needing help in court management, case processing, and new programming related to drug offenses, offenders, and users.

Program Description: The impact of large increases in the number of drug offenders arrested on prosecutor and public offender agencies, pretrial services agencies, courts, and jails; the desire of local justice systems and, frequently, states to implement new technologies such as drug testing as a tool to aid the court in decisions about drug users and drug offenders; and, the growing evidence that a substantial number of all persons arrested, at least in larger jurisdictions, are drug users with problems attendant to that status as well as involved in the underlying crime, have all lead to an increase in the requests for technical assistance made by courts and related justice agencies. These problems are frequently more complex and require greater investment of time and funds than many of the other court management, case processing and new programming issues that ATAP has traditionally addressed. This supplement will allow ATAP to better respond to these types of drug-related problems within the context of the total program now on-going.

Grant Period: The current grant period to end March 31, 1989, will be extended through negotiations.

Award Amount: One award, through the cooperative agreement, will be made for $200,000.

Eligibility Criteria: A supplemental award to the cooperative agreement will be made to EMT Group, Inc.

References: N/A.

Due Date: Supplemental application will be due at BJA by March 31, 1988.

Program Contact: The BJA contact for additional information on this program is Linda McKay, Courts Branch, 202/272–4601.

Authority: 1302 (3).

Program Title: Comprehensive Drug Adjudication Program.

Background: During FY1985, the Bureau of Justice Assistance (BJA) initiated the Drug Monitoring of Drug Arrestees Program (DMDA). Three pilot jurisdictions participate in this program. In FY1987, the Comprehensive Drug Adjudication Program (CDAP) was developed to mount drug testing/monitoring operations in three additional sites. These new sites will be selected by April 1988 and will begin implementing the program in mid-summer. The initial sites under the DMDA Program will have only nine months of operation, which is too short a period of time to fully document and evaluate their success. Additionally, there are numerous advantages to consolidating administration of these two ongoing programs. Therefore, a supplemental award will be made to the Pretrial Services Resource Center to allow continued project operations in the DMDA sites under the Comprehensive Drug Adjudication Program.

Goal/Objective: To allow continued testing and demonstration of the effectiveness, for courts and other criminal justice agencies, of utilizing drug testing as one means of case screening and as a monitoring device during the pretrial stage.

Program Description: Three jurisdictions, Tucson, Arizona; Portland, Oregon; and the State of Delaware, have been participating in the DMDA Program since July 1987. The Program is based on the success of an ongoing Washington, DC project, and involves urine testing of all or a significant number of arrestees to determine drug usage. Test results are utilized both as a means of giving the court relevant information about the arrestees at the time of the initial detention/release hearing and, if the initial test is positive, intermittently, thereafter, during the pretrial process. Such information has increasingly been found to be relevant to the chances of rearrest while on release prior to trial and to the arrestees amenability to treatment, if the arrestee is referred to treatment pending case disposition. Both the complexity and expense involved in initiating such a project suggests that substantial time is necessary for full program development. Therefore, to allow continued review and documentation of the potential of this approach, with the aim of eventually transferring viable program technology to other jurisdictions, BJA will supplement the DMDA Program sites.

Grant Period: A twelve month continuation period, per site, is anticipated.

Award Amount: Three site awards are anticipated with a total program cost of $800,000.

Eligibility Criteria: Only those jurisdictions already participating in the DMDA Program will be considered.

References: N/A.

Due Dates: Applications are due at BJA by July 1, 1988.

Program Contact: The BJA contact for additional information on this program is Jay Marshall, Chief, Courts Branch, 202/272–4601.

Authority: 1302 (3).

Program Title: Enhanced Pretrial Services Delivery Program.

Background: Sampling conducted through research and operational programs confirm that between 50 and 70 percent of arrestees are drug users. However, only 40 percent of these individuals are so identified through existing pretrial screening. Many large and medium sized urban areas lack the technical and financial resources to implement a pretrial service program that can more accurately identify the drug abusing population entering the criminal justice system prepare arrestee profiles to include risk assessments, assist the court in identifying an appropriate pretrail status (detention,

ROR, Conditional Release) for the arrestee, and monitor the arrestee to ensure appearance at trial. Over the past decade, pretrial services agencies have demonstrated their value by providing technical, coordinating, and advisory services that result in a more effective and comprehensive adjudication process. The incidence of drug abuse and resulting arrests, along with the special responses to the drug abuser, underscore the importance of such services being available.

Goal/Objective: The goal of the Enhanced Pretrial Service Delivery Program is to promote the concept and use of pretrial service agencies as a critical tool for the appropriate and expeditious adjudication of drug arrestees.

Program Description: The program will (1) recognize selected pretrial service agencies as demonstration sites, (2) use those sites to promote pretrial services in other jurisdictions through technical and financial assistance, (3) augment traditional drug screening techniques to enhance detection of drug users, (4) develop a more reliable risk assessment/profile of the arrestee, and (5) help jurisdictions build a comprehensive inventory of appropriate conditional release options. The results of this work will enable the courts to ensure drug abusing arrestees/offenders receive appropriate pretrial disposition (i.e., detention, treatment, monitoring). The National Association of Pretrial Service Agencies (NAPSA) and the Pretrial Services Resource Center will coordinate implementation of the program.

Grant Period: A Cooperative Agreement will be awarded for a 12 month effort.

Award Amount: An award will be made for $500,000.

Eligibility Criteria: The award will be made to the Pretrial Services Resource Center in consultation and coordination with the National Association of Pretrial Service Agencies.

References: N/A.

Due Date: The application is due at BJA June 30, 1988.

Program Contact: The BJA contact for additional information is Linda McKay, Courts Branch, 202/272–4601.

Authority: 1302 (3).

Program Title: Large Court Capacity Program.

Background: Last year, the Bureau of Justice Assistance (BJA) and the National Center for State Courts began a major initiative to enhance performance of large jurisdiction courts in light of significant case backlogs created by narcotics trafficking and drug abuse cases. Three major components of the program were: (1) Development and integration of trial court performance standards and recognition of those trial courts that demonstrate achievement of those standards, (2) analysis of case flow activity in trial courts as a means to focus technical assistance resources on courts that exhibit significant delays in case processing, and (3) review of case characteristics to support a different case management approach to further expedite the adjudication of cases.

Goal/Objective: The goal of this program is to promote systematic and permanent improvements in court operations, expecially in large jurisdiction trial courts, so that these courts can provide fair and efficient adjudication of drug arrestees/offenders.

Program Description: Additional funding will accelerate and conclude the development of trial court performance standards and begin a marketing strategy to integrate them into trial courts in large urban areas where drug cases are inundating the system. The Commission on Trial Court Performance Standards will continue to guide the completion of those standards and the marketing strategy. In addition to the standards, attention will be given to the Differentiated Case Management Analysis component. The initial effort will be expanded to include a greater sample of cases from which characteristics can be analyzed and structured to permit better use of court management resources in achieving expeditious adjudication of drug cases.

Grant Period: A supplemental award will be given for an additional 18 months of operation.

Grant Amount: The grant award will be made for $800,000.

Eligibility Criteria: A supplemental award will be made to the National Center For State Courts.

References: N/A.

Due Date: Application will be due at BJA July 1, 1988.

Program Contact: The BJA contact for additional information on this program is Jay Marshall, Chief, Courts Branch, (202) 272–4601.

Authority: 1302 (3)(6).

Program Title: Assessing the Impact of Drug-Related Cases on Community Safety, Court Delay, and Jail Crowding: Significant Problems; Possible Strategies.

Background: The Bureau of Justice Assistance (BJA) has funded the development and demonstration of a number of approaches that have proven themselves in a number of sites. As these approaches are documented and made available to states and local government, it is particularly important that they be shaped in a manner that is directly responsive to the most critical problems being experienced by local criminal justice systems. More specifically, it is essential that recommended programs take full cognizance of the interrelated nature of community safety, court delay, jail crowding, and the manner in which drug-related crime exacerbates the burden already experienced by local criminal justice systems. This program will enable BJA to provide extensive information quickly on the relative burden presented by drug-related cases in three jurisdictions, to assess the relative success of these jurisdictions in addressing this burden, and to determine the relative applicability of approaches now being demonstrated to the problems found.

Goal/Objective: This program will provide, to local, state, and Federal governments, specific information on the particular burden placed on the local criminal justice system by drug-related cases, on the relative success of strategies employed, and on the likely success of strategies under development.

Program Description: A Cooperative Agreement will be awarded to the Department of Criminal Justice, Temple University, to support a modest data collection effort and specific analysis of that data and of data and information already collected. Extensive arrestee information has been gathered in Boston, Miami, and Phoenix in 1984, 1985, and 1987, in support of a National Institute of Justice project on bail guidelines; and access to additional data is still immediately available. Although gathered for another purpose, this information lends itself directly to the detailed analysis of the burden of drug-related cases compared to other cases. It will be analyzed to determine: The economic and resource burden of drug-related cases (e.g., detention days, trial days); the risks to community safety (e.g., pretrial rearrests); the relative success of approaches taken to address these problems; and the likely applicability of approaches and strategies now being demonstrated by BJA. At least two reports will be prepared addressing these four areas and will be made available to state and local criminal justice agencies to inform strategy development. The first, graphically addressing burdens and risks, will be available within six months of project start-up. Information from these reports will contribute

directly to BJA efforts to transfer models under development for detection and monitoring of drug using arrestees, focused offender disposition, comprehensive drug adjudication, and problem-oriented policing.

Grant Period: This award will be for twelve months.

Award Amount: One award, through Cooperative Agreement, will be negotiated in the amount of $175,000.

Eligibility Criteria: The Department of Criminal Justice, Temple University, has been selected as uniquely qualified to conduct this program. This Department has demonstrated substantial expertise in each of the areas to be addressed and, more specifically, has collected and possesses the data to be analyzed and has maintained direct access to additional data required at the sites involved.

References: N/A.

Due Date: Application for the Cooperative Agreement will be due at Bureau of Justice Assistance by April 15, 1988.

Program Contact: The Bureau of Justice Assistance contact for additional information is John Gregrich, Chief, Information System Branch, 202/272–4601.

Authority: 1302 (4).

Program Title: Intensive Supervision Probation/Parole Demonstration Program.

Background: BJA has initiated a highly structured Intensive Supervision program to include nine pilot jurisdictions, as well as the provision for national technical assistance, training, and independent evaluation. FY1988 will primarily be a year of consolidation and continuation funding.

Goal/Objective: This program will provide continuation funding for up to three current pilot projects and, possibly, one additional project to be selected from the FY1987 competitive list. The project is aimed at serious offenders who would normally show a high rate of recidivism on probation or parole.

Program Description: This program has two components: (1) The refunding of current Intensive Supervision sites and, possibly, one additional site; and (2) the funding of a national technical assistance project that will include training, consultations, and evaluation.

Each project will involve state-of-the-art risk/ needs assessment, appropriate counseling/treatment services, and the elements of team supervision. Projects may allow for direct sentencing to intensive supervision, or transfer from regular probation or parole caseloads based on fixed criteria. Each project will emphasize surveillance, urinalysis, and treatment standards. Projects may emphasize early intervention in prison or jail settings where probationers are serving a split sentence.

National Technical Assistance Grant: This component will provide continuation funding to the National Council on Crime and Delinquency to provide training, technical assistance, and evaluation for this program.

Grant Period: Continuation awards will be made for up to 12 month project periods. The additional site award will be for 18 months.

Award Amount: $450,000 has been earmarked for this program: $200,000 is set aside for continuation grants; $150,000 may be awarded to one new project site. $100,000 will be awarded to the National Council on Crime and Delinquency to provide national program coordination.

Eligibility Criteria: Demonstration Sites—Eligibility criteria will include: Probation/parole organizational plan; proposed sanction and control mechanisms; client screening system; local resources input; and replication potential.

The additional project will be selected from the original peer panel selections made in FY1987. No new applications are being accepted. Protects must budget travel and per diem for one training session. Training sites will be determined based on the locations of the selected sites. Some weight will be given to geographical distribution of the projects.

National Technical Assistance Grant: The National Council on Crime and Delinquency should submit a SF 424 and a completed application showing their commitment to continue providing the following:

Training workshops to provide operational and management training;

Provision of on-site consultation and information dissemination to assist development and implementation of intensive supervision sites, which may include some ad hoc provision of technical assistance to non-demonstration sites;

Provide administrative oversight of sites selected for program demonstration to include assessment and coordination of services;

Independent evaluation that provides some important assessment of demonstration sites.

References: "Granting Felons Probation: Public Risks and Alternatives," National Institute of Justice study by the Rand Corporation, January, 1985.

"Intensive Supervision Program: Report to the Judicial College," New Jersey Administrative Office of the Courts, November, 1985.

"Taking Quality into account: Assessing the Benefits and Cost of the New Jersey's Intensive Supervision Program," Institute for Criminal Research, Rutgers University, 1986.

"New Dimensions in Probation: Georgia's Experience with Intensive Probation Supervision (IPS)," National Institute of Justice Report, January, 1987.

Due Dates: Completed applications for demonstration sites and the National Technical Assistance Grant are due on April 15, 1988.

Program Contact: The BJA contact for information on this program is Kim Rendelson, Corrections Branch, 202/272–4605.

Authority: 1301 (4).

Program Title: Comprehensive State Department of Corrections Treatment Strategy for Drug Abuse.

Background: This program was initiated in FY1987 to assist state departments of corrections to expand and upgrade drug treatment and rehabilitation activites in all state institutions. The Bureau of Justice Assistance (BJA) selected Narcotic and Drug Research, Inc. (NDRI) as the national program coordinator to assist with national technical assistance and training.

Six states were selected for Phase 1 Planning contracts for the first year: Connecticut, New York, Delaware, Florida, Alabama, and New Mexico. Three of those states: Florida, Delaware, and New Mexico have received implementation grants of $400,000 each. Technical assistance and training are provided by Narcotic and Drug Research, Inc.

Goal/Objective: The goal of this program is to reduce recidivism rates of major drug using offenders by a range of drug treatment programs and community supervision and treatment.

Program Description: Three new states will be added to the current six states for a total of nine.

The major objective is to develop a range of model state drug treatment activities including: Therapeutic communities, drug resource centers, drug education, and self-help groups that can be integrated into existing and proposed institutions.

An ancillary objective is to train corrections and treatment staffs in the latest techniques of drug treatment.

Lastly, the program has an evaluation objective, whereby both the treatment process and the impact will be assessed.

Grant Period: This project will be extended for twelve months through June 1989.

Award Amount: $1,700,000 is earmarked for this program as follows: $1,200,000 for three implementation grants to the Phase 1 planning states as they complete their implementation plans, and the plans are approved by BJA and NDRI. $500,000 is allocated for three new state Departments of Corrections Phase 1 Planning contracts (average $80,000 per state) and continuation of the technical assistance and training with NDRI.

Eligibility Criteria: Planning Phase (three states): Interested jurisdictions should submit a concept paper of approximately 10–12 pages plus a one page summary budget to Narcotic and Drug Research, Inc., 11 Beach Street, 3rd Floor, Research, New York, New York 10013, Attention: Dr. Harry Wexler, Projector Director.

Eligibility criteria will include:

Analysis of range and scope of current drug addiction in the inmate population; proposed department organizational plan; proposed screening system; state resources available for implementation (including Federal Block Grant funds); and replication potential for other states;

An independent selection panel will screen planning phase papers and make recommendations on a competitive basis. Some weight will be given to geographical distribution of projects.

Reference: A program information packet may be secured by calling Lenny Posner, Narcotic and Drug Research, Inc., at 212/941–2320.

Due Dates: Planning and Phase 1 Concept papers are due at NDRI by April 30, 1988. Sites will be selected by the end of May, and start-up activities are projected for July 1, 1988.

Implementation projects: Applicants must submit completed SF 424 applications and submit them to BJA upon completion of the comprehensive plan. The current planning states should be ready for implementation projects in the Spring of 1988.

Program Contact: The BJA contact for further information is Nicholas Demos, Chief, Corrections Branch, 202/272–4605.

Authority: 1302 (4).

Program Title: Evaluation of Drug Treatment for Individual State Corrections Institutions.

Background: The Bureau of Justice Assistance (BJA) funded six projects in individual state correctional institutions in FY1987. These projects were designed to test a variety of drug treatment and rehabilitation modules.

Goal/Objective: This project will provide for a small scale evaluation of the six projects funded under the FY1987 Program entitled "Drug Treatment for Individual State Corrections Institutions."

Program Description: This project, under a grant to Narcotics and Drug Research, Inc., will gather and analyze data from each of the six state correctional institutions. It will document some of the options available to state correctional institutions for drug treatment and rehabilitation. Three on-site data collection and technical assistance visits are projected for each demonstration site.

Grant Period: This award will be for 12 months.

Award Amount: $100,000 is earmarked for this evaluation project.

Eligibility Criteria: A supplement to the current Cooperative Agreement will be negotiated with Narcotics Drug Research, Inc., New York.

References: N/A.

Due Dates: Completed Application with SF 424 is due at BJA on April 30, 1988.

Program Contact: The BJA contact for this program is Kim Rendelson, Corrections Branch, 202/272–4506.

Authority: 1302(4).

Program Title: Youthful Offender Alternative—Boot Camp/Close Supervision Assessment.

Background: In the past four years, a number of states and counties have initiated youthful offender alterative programs, sometimes called "Regimented Inmate Discipline" programs, or more commonly referred to as "Boot Camp Prison." These projects appear to be experiencing a high degree of administrative support for youthful offenders, showing a potential of lowering recidivism rates. States presently operating Boot Camp Prison projects include Oklahoma, Mississippi, Georgia, Louisiana, Michigan, Florida, and Colorado.

Goal/Objective: The goal of this program is to provide an assessment of six to ten already operating Boot Camp Prison projects. This effort will target those projects involving a high proportion of drug offenders and will determine which are successful for use as possible model projects for dealing with drug offenders. BJA and NIJ are discussing the potential of a cooperative effort in this venture.

Program Description: N/A.

Grant Period: An evaluation effort may be awarded for a period of 12 months.

Award Amount: The award amount is contemplated at approximately $100,000.

Eligibility Criteria: To be announced in a later notice.

References: "Doing a tour in a 'Boot Camp' Prison," Corrections Compendium, Vol. IX, No. 5, dated November 1986.

"Boot Camp, Shock Incarceration: Discipline for Young Offenders," Criminal Justice Newsletter, March 3, 1986.

"Impact of Intensive Incarceration, Project Proposal," National Institute of Justice, 1987, Project #87–IJ–CX–0020.

Due Dates: To be announced in a later notice.

Contact Person: The BJA contact for further information on this program is Kim Rendelson, Corrections Branch, 202/272–4605.

Authority: 1302(6).

Program Title: Drug Treatment in the Jail Setting—National Demonstration Program

Background: This is an expansion of a program first begun in FY1987. The American Jail Association proposed a national research and demonstration program to assist jails and community corrections agencies in improving screening and treatment for drug offenders. This program is an outgrowth of that proposal.

Goal/Objective: This program will assist local jails and community corrections agencies to improve drug screening and treatment services. This program will provide funding for the development of one additional national model for possible replication. While the emphasis will be on drug treatment in large metropolitan jails, training and clearinghouse service will be provided for smaller jails as well.

Program Description: This program is divided into two components:

Funding of one additional pilot project. The project will receive $300,000. The model site will cooperate in the transfer of project components from the model jail to other jails through documentation and host visits.

$100,000 is set aside for the National Program Coordinator for the administration, training, and technical assistance.

Grant Period: The duration of the program will be for 18 months. The suggested start-up date for the new pilot project is July 1, 1988.

Award Amount: $400,000 is earmarked for this program.

Eligibility Criteria: Eligibility criteria for the demonstration sites will include: Level of integration of jail and community treatment components; comprehensiveness of the drug treatment component; support for local correctional and drug treatment officials; and local funding sources committed to the project.

The American Jail Association will be the National Program Coordinator for this program.

References: N/A.

Due Dates: These funds will be used to expand this program, begun in FY1987, to include one additional demonstration site. The additional project will be selected from the original peer panel selections made in FY1987. No new applications are being accepted. The American Jail Association should submit a completed application, SF 424, by April 30, 1988.

Program Contact: The BJA contact for this program is Kim Rendelson, Corrections Branch, 202/272–4605.

Authority: 1302(6).

Program Title: Probation and Parole Drug Testing Standards Project.

Background: The correlation between drug use and crime has been well established through a variety of studies. Drug testing (urinalysis) has been utilized within the criminal justice system as an acceptable method to identify and monitor drug abusing offenders. Within the past year, with the advent of the Anti-Drug Abuse Act of 1986, drug testing has been encouraged. With the increase in drug testing, there has also been an increase in the amount of questions, procedures, and case law regarding drug testing. Each jurisdiction or program within a jurisdiction has virtually had to develop its own procedures for drug testing. This has resulted in confusion, unnecessary duplication of efforts, and in many cases unnecessary law suits that could have been avoided. It is safe to assume that this will continue unless some steps are taken to consolidate current information, review and apply case law, and develop consistent procedures and guidelines for testing of drug abusing offenders.

Goal/Objective: It is the intent of this program to develop standards and guidelines in the probation and parole areas for the testing of drug abusing offenders.

Program Description: A Cooperative Agreement will be awarded to the American Probation and Parole Association (APPA) to develop standards and guidelines for offender drug testing (urinalysis) in the probation and parole systems. The APPA has been chosen because they are the national association that represents the probation and parole professionals and, therefore, the best suited group to develop these standards. The standards will address (but not be limited to) issues, such as who should be tested, when should testing be done, and how the results of the tests should be used. Suggested case law on this subject will be given. Rationale for each standard will be stated. These standards will be written, published, and distributed throughout the probation and parole systems of the country.

Grant Period: This award will be for a period of 12 months.

Award Amount: One award, through a Cooperative Agreement, will be made in the amount of $100,000.

Eligibility Criteria: The Cooperative Agreement will fund the American Probation and Parole Association.

References: N/A

Due Date: The Cooperative Agreement will be due at the Bureau of Justice Assistance by April 15, 1988.

Program Contact: The Bureau of Justice Assistance contact for additional information is Karen McFadden, National Policy Research and Coordination Branch, 202/724–5972.

Authority: 1302(6).

Program Title: Case Management Applications of Drug Use Forecasting (DUF) and TACS Informaiton in Selected Cities

Background: The Drug Use Forecasting (DUF) research on prevalence and types of drug use among offender populations, co-funded by BJA, was conducted by the National Institute of Justice in 12 cities during the FY1987, with an expected expansion to 25 cities in FY1988. The Treatment Alternatives to Street Crime (TASC) program, recognized as effective by criminal justice and drug treatment professionals, is being used increasingly by the criminal justice system as a method for monitoring and managing offenders while on pre-trial release, probation, or parole. There are now over 100 TASC sites in 18 states, several of which are in DUF cities. Basic operational information from all TASC programs is being collected by the National Consortium of TASC Programs (NCTP) under a current BJA cooperative agreement. Data from both the DUF and from the NCTP efforts must be used to inform strategies for national, regional, state, and local case management planning. Therefore, it is wise to gauge the applications and anticipate the implications of information from the DUF and from the TASC baseline data on future treatment and case management resources.

Goal/Objective: This project will provide state and local criminal justice agencies and block grantees with specific quarterly assessments of the national and regional applications and implications of drug use trends among offender populations on case management resources.

Program Description: A Cooperative Agreement will be awarded to the National Consortium of TASC Programs to provide quarterly assessments and analyses of drug use trends, identified in the DUF reports and from other sources, to criminal justice managers and planners. The quarterly assessments will include, but not be limited to, describing the effects of the information on enforcement, probation, parole, and case management resources.

Grant Period: This award will be for 12 months.

Award Amount: One award, through a negotiated Cooperative Agreement, will be made in the amount of $100,000.

Eligibility Criteria: A Cooperative Agreement will be negotiated with the National Consortium of TASC Programs, a national, field based organization of case management programs and current collector of one of the subject data sources.

References: N/A.

Due Date: Application for the Cooperative Agreement will be due at the Bureau of Justice Assistance by April 15, 1988.

Program Contact: The Bureau of Justice Assistance contact for additional information is Jody Forman, Information Systems Branch, 202/272–4601.

General Requirements

Match: Grants may be awarded for up to 100 percent of program or project costs.

Eligibility: Public agencies and private non-profit organizations are eligible to apply in accordance with the specific eligibility requirements set forth in the individual announcements.

Period of Support: Grants may support projects for up to three years.

Financial Requirements: Discretionary grants are governed by the provisions of the Office of Management and Budget (OMB) Circulars applicable to financial assistance. The Circulars along with additional information and guidance are contained in the "Financial and Administrative Guide for Grants," OJP Guideline Manual, OJP M71001C, available from the Office of Justice Programs.

Non-Discrimination: The Anti-Drug Abuse Act provides that no person shall be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in connection with any activity funded in whole or in part with funds made available under the Act. Applicants for discretionary grants are also subject to the provisions of the Title VI of the Civil Rights Act of 1964;

section 504 of the Rehabilitation Act of 1973, as amended; Title XI of the Education Amendments of 1972; the Age Discrimination Act of 1975; and the Department of Justice Non-Discrimination Regulation 28 CFR Part 42, Subparts C, D, E, and G.

Intergovernmental Review of Federal Programs: On July 14, 1982, the President signed Executive Order 12372, "Intergovernmental Review of Federal Programs," to provide state and local governments increased and more effective opportunities to influence federal actions affecting their jurisdictions. Final regulations (28 CFR Part 30) implementing the Order for the Department of Justice were published in the Federal Register on June 24, 1983 (48 FR 29238). The Order and the regulations permit states to establish a state process for the review of Federal programs and activities, to select which programs and activities (from a previously published list) they wish to review, to review proposed Federal programs and activities, and to make their views known to the Department through a State "Single Point of Contact" (SPOC). The Order and the implementing regulations revoke the former A–95 clearance process.

Applicants for this program, except those programs national in scope, must submit a copy of their application to the applicant agency State "Single Point of Contact," if one has been established and if the State has selected this program to be covered in its review process. Applications must be submitted to the SPOC for review and comment at the same time they are submitted to BJA. Under the regulations, the State process has at least thirty (30) days to comment on non-competing continuation applications and at least sixty (60) days to comment on all other applications.

George A. Luciano,

Director.

[FR Doc. 88–4975 Filed 3–7–88; 8:45 am]

BILLING CODE 4410–18–M

Drug Enforcement Administration

[Docket No. 86–50]

Raymond A. Carlson, M.D.; Revocation of Registration

On May 26, 1986, the Deputy Assistant Administrator of the Drug Enforcement Administration (DEA), Office of Diversion Control, issued an Order to Show Cause to Raymond A. Carlson, M.D., Respondent, of 1417 Stevenson Street, Vinton, Louisiana, proposing to revoke DEA Certificate of Registration AC3408374, and to deny any pending applications for renewal of that registration. The statutory predicates for seeking the revocation of Respondent's registration were that: (1) Respondent was convicted of a felony offense relating to controlled substances; (2) Respondent falsified the application for renewal of his registration; and (3) Respondent's continued registration was inconsistent with the public interest.

Respondent, through counsel, filed a timely request for an administrative hearing on the issues raised in the Order to Show Cause. Following prehearing procedures, an administrative hearing was held before Administrative Law Judge Mary Ellen Bittner in New Orleans, Louisiana on August 25 and 26, 1987.

On December 4, 1987, Judge Bittner issued her findings and conclusions of law, recommending that the Administrator revoke Respondent's DEA Certificate of Registration and deny any pending applications for renewal of his registration. Neither counsel for Respondent nor the Government filed exceptions to the findings and recommended ruling of the Administrative Law Judge.

After careful review of the entire record in this proceeding, the Administrator adopts all of the findings of fact, conclusions of law, and recommended ruling of the Administrative Law Judge.

The Administrator finds that on September 19, 1985, in the Fourteenth Judicial District Court for Calcasieu Parish, Louisiana, Respondent was convicted, after entering a plea of guilty, of one count of unlawful distribution of diazepam, in violation of L.S.A.–R.S. Section 40:969.A, a felony conviction relating to controlled substances.

Respondent's conviction resulted from a criminal investigation into his controlled substances handling activities initiated by the Louisiana State Police. The investigation was initiated after a reliable cooperating individual approached the police to inform them that Respondent had provided her with controlled substances or prescriptions for controlled substances in exchange for sexual favors on numerous occasions over a three year period. She also told the police that on some occasions, Respondent used controlled substances, including Marijuana, with her, and that on one occasion, he gave her money to purchase a small quantity of marijuana for him. In addition, she informed the police that Respondent had requested that the young woman find other individuals to "party" with them. Based upon this information, the Louisiana State Police began an undercover investigation into Respondent's controlled substances handling practices.

In April 1985, a meeting between the Respondent, the young woman, and a female undercover police officer was arranged to take place at a local motel. Prior to the meeting, the young woman called Respondent and asked if he would prescribe some Valium tablets in the name of "Jill Anderson," the alias of the undercover officer, so that she could take them prior to meeting with Respondent later that evening. Respondent agreed and issued a telephone prescription for 50 dosage units of Valium in the name of "Jill Anderson," although he had not examined or even met the officer before issuing the prescription. Later that evening, Respondent met the young woman and the undercover officer at a local motel. After some small talk, Respondent gave each woman two Halcion tablets and one Valium tablet. Shortly thereafter, Respondent removed a syringe and tourniquet from his medical bag. At that point, the undercover officer explained that she did not like receiving injections. Respondent attempted to persuade her to accept the injection, explaining that the young woman never had any problems receiving similar injections in the past. The undercover officer dissuaded Respondent from injecting her, and requested that he give her a pill instead. Respondent acquiesced and gave the officer two broken pieces of a Dilaudid tablet, and was subsequently arrested. Following his arrest, a search of Respondent's medical bag revealed three syringes containing Dilaudid, and a marijuana cigarette. There is no indication that Respondent gave the women controlled substances during that meeting for any legitimate medical purposes. To the contrary, Respondent's actions supported the cooperating individual's earlier information that he would provide her with controlled substances in exchange for sexual favors.

Based upon Respondent's conviction relating to controlled substances, in February 1986, the Louisiana State Board of Medical Examiners suspended his medical license in that state for a period of four months, placed him on probation for a period of five years following his suspension, and ordered that his state Schedule II controlled substance privileges be forfeited during the period of his suspension and probation. In Louisiana, Schedule II controlled substances also include substances listed under Federal Schedules II and IIN. The four-month

suspension was to remain in effect from March 19, 1986, to July 18, 1986. During this four-month suspension period, Respondent allowed his state controlled substance license to expire for the period from May 1, 1986, to December 1986.

Since September 1, 1985, Respondent has only been registered with the Drug Enforcement Administration to handle Schedule II and IIN controlled substances. Since Louisiana suspended his state Schedule II privileges as of March 19, 1986, Respondent has not been authorized to handle *any* controlled substances since that date. Despite Respondent's lack of authority to handle controlled substances as of March 19, 1986, he continued to issue controlled substance prescriptions after that date.

The Administrator also finds that between January 1, 1984, and August 31, 1984, Respondent was registered with the Drug Enforcement Administration only to handle Schedule II controlled substances; yet, during that time, he issued several prescriptions for Schedule IIN, III, IIIN, IV and V controlled substances. Between September 1, 1984, and August 31, 1985, Respondent was registered with the Drug Enforcement Administration only to handle Schedule II and IIN controlled substances; yet, during that time, he issued several prescriptions for Schedule III, IIIN, IV and V controlled substances.

The Administrator also finds that on July 10, 1986, Respondent executed an application for renewal of his DEA Certificate of Registration. On the application, Respondent indicated that as of the date of execution he was authorized to handle controlled substances in that State of Louisiana, when, in fact, his license remained suspended in that state until July 18, 1986. In addition, he indicated he was authorized by the State of Louisiana to handle Schedule II and IIN controlled substances, even though his state Schedule II controlled substance handling privileges were suspended until 1991.

Respondent elected not to testify during the administrative hearing. Instead, Respondent presented several character witnesses who testified that he enjoyed an excellent reputation in his community; a psychiatrist who testified that Respondent's unlawful actions were not the result of some psychological disturbance; and his probation officer who testified that he met with Respondent only five or six times, for no longer than ten minutes during each visit, during his one-year probation period.

Under the Controlled Substances Act, at 21 U.S.C. 824(a)(2), a felony conviction relating to controlled substances constitutes a sufficient basis for the revocation of a practitioner's DEA Certificate of Registration. See *Amante L. Medina, M.D.*, 51 FR 45068 (1986). There is no dispute in this instance that Respondent was convicted of a felony offense relating to controlled substances. Therefore, the conviction alone provides sufficient statutory authority to support the revocation of Respondent's DEA Certificate of Registration.

The only issue which remains is whether, notwithstanding the conviction, the Administrator should allow Respondent to remain registered to handle controlled substances. The Administrator finds that Respondent indeed prescribed, dispensed and administered controlled substances for other than legitimate medical purposes on a number of occasions to the young woman who assisted in the undercover investigation which resulted in his arrest and conviction. In addition, he prescribed and dispensed, and attempted to administer controlled substances to an undercover police officer for other than legitimate medical purposes. Furthermore, for a period of several years, Respondent issued several hundred prescriptions for controlled substances he was not properly authorized to handle. Also, Respondent falsified the application for renewal of his DEA Certificate of Registration. Each of these offenses, standing alone, is sufficient to warrant the revocation of Respondent's DEA Certificate of Registration and the denial of his pending application for renewal. When considered together, the offenses clearly demonstrate Respondent's disregard for the laws and regulations which govern the handling of controlled substances.

The Administrator may draw a negative inference from Respondent's failure to testify during the administrative hearing. See *Antonio C. Camacho, M.D.*, 51 FR 11654 (1986); *Book v. United States Postal Service*, 675 F.2d 158 (8th Cir. 1982); and *N.L.R.B. v. Local Union No. 46, Metallic Lathers*, 727 F.2d 234 (2d Cir. 1984). The negative inference which is drawn from Respondent's failure to testify is that he was unwilling to be forthright and completely honest with the Administrative Law Judge and the Drug Enforcement Administration. See *Antonio C. Camacho, M.D.*, supra.

Respondent's character witnesses provided no support to the position that he should be permitted to maintain his DEA Certificate of Registration. Based upon the testimony presented at the administrative hearing, none of the character witnesses knew the full extent of the wrongful acts committed by Respondent. In addition, none of these witnesses was in a position to make an adequate assessment of Respondent's ability to properly handle controlled substances.

The Administrator concludes that, based upon Respondent's conviction, the conduct which led to his arrest and conviction, the evidence that before and after his arrest he issued prescriptions for controlled substances he was not authorized to handle, and the falsification of his application for renewal of his registration, Respondent has demonstrated an absolute disregard for state and Federal restrictions on his handling of controlled substances. Nothing presented during respondent's case persuades the Administrator that Respondent is willing to carefully abide by the laws and regulations governing the handling of controlled substances. Thus, in order to protect the public interest, the Administrator cannot permit Respondent to maintain his DEA Certificate of Registration.

Having concluded that Respondent's registration must be revoked, the Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b), orders DEA Certificate of Registration AC3408374, previously issued to Raymond A. Carlson, M.D., be, and it hereby is, revoked. The Administrator further orders that Respondent's application for renewal of said registration, executed on June 10, 1986, and any other pending applications for renewal, be, and they hereby are, denied.

This order is effective March 8, 1988.

John C. Lawn,
Administrator.

Dated: March 2, 1988.

[FR Doc. 88-5008 Filed 3-7-88; 8:45 am]
BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Office of the Secretary

Agency Recordkeeping/Reporting Requirements Under Review by the Office of Management and Budget (OMB)

Background: The Department of Labor, in carrying out its responsibilities under the Paperwork Reduction Act (44 U.S.C. Chapter 35), considers comments

on the reporting and recordkeeping requirements that will affect the public.

List of Recordkeeping Reporting Requirements Under Review: As necessary, the Department of Labor will publish a list of the Agency recordkeeping/reporting requirements under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new collections, revisions, extensions, or reinstatements. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of the particular submission they are interested in.

Each entry may contain the following information:

The Agency of the Department issuing this recordkeeping/reporting requirement.

The title of the recordkeeping/reporting requirement.

The OMB and Agency identification numbers, if applicable.

How often the recordkeeping/reporting requirement is needed.

Who will be required to or asked to report or keep records.

Whether small businesses or organizations are affected.

An estimate of the total number of hours needed to comply with the recordkeeping/reporting requirements.

The number of forms in the request for approval, if applicable.

An abstract describing the need for and uses of the information collection.

Comments and Questions: Copies of the recordkeeping/reporting requirements may be obtained by calling the Departmental Clearance Officer, Paul E. Larson, telephone (202) 523–6331. Comments and questions about the items on this list should be directed to Mr. Larson, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue, NW, Room N–1301, Washington, DC 20210. Comments should also be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for (BLS/DM/ESA/ETA/OLMS/MSHA/OSHA/PWBA/VETS), Office of Management and Budget, Room 2038, Washington, DC 20503 (Telephone (202) 395–6880).

Any member of the public who wants to comment on a recordkeeping/reporting requirement which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

Revision

Occupational Safety and Health Administration

Access to Employee Exposure and Medical Records 1218–0065; OSHA 243

On occasion; annually

Businesses or other for-profit

1,170,979 Respondents, 1,502,275 burden hours, 0 forms

Requires employers to preserve and provide access to records associated with employees' exposure to toxic chemicals and harmful physical agents. Employee records and access to them are critically important to the detection, treatment and prevention of occupational illness and disease.

Extension

Mine Safety and Health Administration

Quarterly Mine Employment and Coal Production Report (MSHA Form 7000–2)

1291–0006

Quarterly

Businesses and other for profit; small businesses or organizations

80,346 responses; 20,087 hours

Requires mine operators to report to MSHA quarterly employment levels and coal production. The employment and production data when correlated with the accident data provides information for making decisions on improving safety and health enforcement programs, improving education and training efforts, and establishing priorities in technical assistance activities in safety and health.

Extension

Mine Safety and Health Administration

Mine Accident, Injury, and Illness Report (MSHA Form 7000–1)

1219–0007

On occasion

Businesses and other for profit; small businesses or organizations

37,117 responses; 18,558 hours

Mine operators are required to submit Form 7000–1 to MSHA to report on accidents, injuries, and illnesses at their mines shortly after an accident or injury has occurred or a work-related illness has been identified. The use of the form provides for uniform information gathering.

Occupational Safety and Health Administration

Hazard Communication, 1218–0072

Recordkeeping, On occasion

Businesses and other for-profit; Federal agencies or employees; Small businesses or organizations

Number of responses varies; 54,780,000 burden hours, 1 form

The Hazard communication standard requires all employers to establish hazard communication programs to transmit information on the hazards associated with chemicals to their employees by means of container, labels, material safety data sheets and training programs.

Signed at Washington, DC, this 3rd day of March, 1988.

Marizetta L. Scott,

Acting Departmental Clearance Officer.

[FR Doc. 88–5025 Filed 3–7–88; 8:45 am]

BILLING CODE 4510–26–M

Assistant Secretary for Veterans' Employment and Training

Secretary of Labor's Committee on Veterans' Employment; Meeting

The Secretary's Committee on Veterans' Employment was established under section 308, Title III, Pub. L. 97–306 "Veterans Compensation, Education and Employment Amendments of 1982," to bring to the attention of the Secretary, problems and issues relating to veterans' employment.

Notice is hereby given that the Secretary of Labor's Committee on Veterans' Employment will meet on April 19, 20 and 21, 1988, as described below:

SUMMARY: The Secretary of Labor's Committee on Veterans' Employment is announcing a National forum on "Workforce 2000 and America's Veterans". The Forum will provide interested parties with the opportunity to present oral and/or written statements of their views, as well as participate in a colloquy concerning the employment and training needs of veterans, the institutions and systems designed to serve those needs, and the Nation's ability to ensure that current and future veterans are able to participate successfully in a rapidly changing labor market. The findings from this Forum will also be used to develop training for those individuals that will be directly involved in providing employment assistance to veterans.

DATE: The Forum will be held on April 19–21, 1988 in Washington, DC.

ADDRESSES: The Forum is open to the public. The first segment of the Forum will be conducted from 9:30 a.m. to 11:30 a.m. on April 19, 1988 in the Great Hall of the U.S. Department of Labor at 200 Constitution Avenue, NW., Washington, DC 20210. The remainder of the Forum, from 1:30 p.m. to 5:30 p.m. on April 19, 8:30 a.m. to 5:00 p.m. on April 20, and 9:00 a.m. to 12:30 p.m. on April 21, will be conducted at the Holiday Inn-Capitol, 500 C Street, SW., Washington, DC. Persons wishing to attend the Forum to

present oral or written statements or to observe the proceedings must provide the Secretary's Committee with a completed pre-registration form or other notice of their intent to attend. Such notice must be postmarked on or before April 5, 1988. Pre-registration materials (including a tentative agenda) may be obtained from the National Veterans' Training Institute (NVTI), University of Colorado at Denver, 1250 14th Street, Suite 650, Denver, CO 80202; Tel. (800) 331-0562. Persons not attending the Forum may submit written statements (three copies) by mail, postmarked no later than April 20, 1988 and mailed to NVTI at the above address. Participants are responsible for making their own arrangements with respect to travel, lodging, meals and other costs associated with the Forum. Information regarding area hotels, hotel rates, restaurants, transportation within the Washington, DC area, and handicapped accessibility of Forum facilities will be included in pre-registration materials referenced above.

FOR FURTHER INFORMATION CONTACT: Lesley A. Elliott, Executive Assistant to the Assistant Secretary for Veterans' Employment and Training, 200 Constitution Avenue, NW., Room S-1313, Washington, DC 20210; Tel. (202) 523-9116.

SUPPLEMENTARY INFORMATION: Secretary of Labor Ann McLaughlin has strongly endorsed the recommendation of the Secretary's Committee on Veteran's Employment that the Committee sponsor a National forum to assess the needs of America's veterans as part of the Workforce 2000 initiative launched by her immediate predecessor Secretary William E. Brock.

The Secretary's Committee on Veterans' Employment is authorized at 38 U.S.C. 2010 and consists of representatives of the Department of Defense, Department of Health and Human Services, Veterans Administration, Office of Personnel Management, Small Business Administration, Equal Employment Opportunity Commission and the federally chartered veterans' service organizations. The Committee is charged with the responsibility for advising the Secretary of Labor on problems and issues relative to veterans' employment and training.

In June of 1987, the Hudson Institute, under contract with the Department, published the seminal study, "Workforce 2000: Work and Workers for the 21st Century", which profiled labor force and labor market trends through the year 2000. The study concluded that the United States' economy will continue the rapid transition from manufacturing, agricultural, and other goods-producing industries, to service industries. Moreover, the nature of the labor force itself will change, with the Nation's population growing older, and its rate of growth slower than at centered on Workforce 2000, the Secretary's Committee, in October 1987, concluded that future development of veterans' employment and training policies and programs should be examined in light of the conclusions of the study.

To this end, Secretary McLaughlin has approved the recommendation that the Committee conduct a National forum which would solicit the views of Members of Congress, Federal, state and local agencies, private sector employers, and interested organizations pertaining to three basic concerns:

1. The employment and training problems and needs of the veteran population and targeted subgroups, particularly severely disabled veterans.

2. The effectiveness, efficiency, and appropriateness of institutions, programs and policies currently in place to address those needs.

3. Legislative or administrative actions aimed at refining or redesigning the Federal Government's veterans' employment and training efforts to serve the current and future veteran workforce.

This **Federal Register** notice briefly discusses conclusions of the Workforce 2000 study, demographic data on veterans and key issues related to each of the three basic concerns above. It also poses questions to elucidate the issues and elicit facts and views from Forum participants.

The Committee intends the scope of the Forum to be broad, encompassing issues from entrepreneurship to veterans' preference in the public employment, in addition to job placement and job training programs. Participants are encouraged to examine the issue of work and veterans holistically with a view toward developing recommendations for a coordinated and effective National veterans' employment policy

Workforce 2000

The Hudson Institute study identified a number of distinct trends which will define the relationship of workers to the job market in the Year 2000.

The Workplace

• The rapid pace of job creation in the United States will continue through the end of the century. As a result of slower labor force growth, there may be tighter labor markets and—potentially—skill shortages.

• Employment expansion will be accompanied by rapid changes in the nature and composition of jobs, as existing industries and firms adapt and new enterprises emerge in response to new technologies and the pressure of foreign competition.

• As a result of this accelerated rate of change, the culture of the American work place will be profoundly affected; workers will change jobs five or six times during a normal worklife.

• Also, as a result of these technological and competitive pressures, many new and existing jobs will require higher levels of analytic, quantitative and verbal skills.

• These trends will have a significant geographic dimension. While most additional jobs through the Year 2000 will be in large, established metropolitan areas, the highest rates of job growth will be in smaller, developing urban areas, largely in the sun-belt. Labor supply and demand are likely to be in imbalance in many areas.

The Workforce

• There will be a slowdown in the growth of the work force over the next 15 years; the rates of increase will be slower than at any time since the 1930's.

• The pool of young workers entering the labor market will shrink—declining both relatively and absolutely.

• However, the proportion of the youth labor force that is minority will increase substantially.

• Women will account for two-thirds of labor force growth.

• Immigrants will represent the largest share of the increase in population and work force since the first World War

• Thus, most labor force growth through the Year 2000 will come from sectors in the population—women, minorities, immigrants—which have traditionally been underutilized and suffer from labor market problems

Veteran Demographics

The VA estimates the number of war veterans in the United States in the year 2000 at 23,951,000, down approximately 3.5 million from current levels. Barring another armed conflict, which would generate large numbers of new veterans, this population will age relatively more rapidly, than the U.S. population as a whole. The median age of the veteran in the Year 2000 will be 58.11. Separated by era, the population profile is presented below

Era	Population (in 000's)	Median age
Vietnam-Era	7,942	52.95
Korea	3,770	68.76
World War II	5,317	77.34
World War I	6	90.51
Peacetime	7,911	42.62

The Department of Defense estimates that approximately 300,000 new veterans are being released from active duty each year. Thus, the number of post-Vietnam-era veterans will double by the Year 2000 and will be nearly a generation younger—with a median age of 36.8—than their Vietnam-era counterparts.

In 1988, female veterans constitute approximately 4% of the total veterans population, with a median age of 51; by the Year 2000, the VA estimates that that proportion will increase to 5.24%. Significantly, the incidence of women among post-Vietnam-era veterans will be 11 percent by the Year 2000.

Veterans Administration projections for the veteran population in the Year 2000 do not include data on minority veterans. Current information, however, would indicate an increasing proportion of minorities in the veterans population as the end of the century approaches. Currently, minority veterans constitute approximately 14% of the veteran population; 26.8% of all personnel currently in the service, however, are minorities, according to the Defense Data Manpower Center. Of these, 34.5% are women compared with a total of 10.1% representation of women in active service.

The overall decline in the number of living veterans in the coming years will not be distributed evenly among the states. According to the VA, in general, the Northeast and industrial Midwest will lose the most veterans while the sun-belt will lose the fewest veterans. In all 50 states and the District of Columbia, veteran deaths outnumbered new veterans being released from active duty in 1986. Therefore, veteran population gains will only occur in those states experiencing noticeable immigration. Only four states are projected to show veteran population increases between 1986 and 2000—Alaska, Arizona, Florida, and New Mexico.

During the next 14 years, there will be an explosion in the number of veterans aged 65 and older from the current 4.8 million to about 9 million. All states will experience a marked increase in their veteran population aged 65 years and older. There will be some variation in the magnitude of the anticipated growth, however. States in the Southwest and those along the southeast coast (excluding Florida) are expected to show the largest increase (90 percent or more).

Specific projections of unemployment in the veteran population for the Year 2000, of course, are not possible to develop. Some distinctive historical trends may be worthy of focus by the Forum:

1. Unemployment problems among Vietnam-era veterans because significant in the late 1960s and lasted nearly fifteen years. Their unemployment rate peaked at 12.3% or about 890,000 persons in February 1983.

2. There has been seemingly intractable unemployment among disabled and minority veterans, which have remained largely unchanged since the mid-1970's. This incudes the high incidence of disabled veterans who are no longer in the labor force.

3. According to the Bureau of Labor Statistics, while veterans constitute approximately 13–14% of the labor force in the United States, 26 percent of all dislocated workers are veterans.

Key Issues

The United States has historically acknowledged as a national responsibility, the task of ensuring that former members of the Armed Forces are provided the opportunity to enjoy successful and productive lives. A vital element in obtaining that goal is employment. How is that responsibility best discharged in the next twelve years?

In order to frame the discussion, the Secretary's Committee has identified four comprehensive subject areas through which the Forum's deliberations will be structured. Each such area will focus upon needs, policies and programs, and recommendations to optimize job opportunities for the veteran workforce in the Year 2000. In considering these subject areas, participants additionally are urged to be mindful of certain institutional factors currently evident. First, the Administration has endorsed, and Congress is considering enactment of legislation which would elevate the Veterans Administration to Cabinet level. Second, the job and job training programs under the purview of the Department of Labor have become increasingly decentralized over the past decade and a half, and that trend is expected to continue.

The four key subject areas are: labor exchange, training for employment, model programs and new approaches, and veterans' employment and training in the Year 2000. The questions provided under each subject area are not inclusive and the Committee welcomes examination of additional topics.

1. Labor Exchange

The most basic of all employment tasks is matching the potential worker with an employer seeking to fill a position. The public vehicle for this essential labor exchange function has been the 55-year old Federal/State Employment Service system. As old as the Employment Service itself is its role as the keystone of the Federal Government's efforts to assist unemployed and underemployed veterans. Under Federal law, veterans are entitled to preferential services in the system's 2,000 employment offices. Over the past few decades, however, the Employment Service has been burdened with an increasing number of special programs, special emphases, and other administrative and enforcement responsibilities.

a. In absolute terms, how good are the labor exchange services provided to veterans through the Employment Service? Are veterans really the first priority in the system? To what extent are other Employment Service responsibilities diluting this priority?

b. Should the States assume greater or total responsibility for the operation of the Employment Service? What effect might this have on Federal mandates for veterans preference within the agencies?

c. Have veterans, as a class, benefited from the integration of the Employment Service and Job Training Partnership Act (JTPA) programs where such a configuration has been tested?

d. What services should the Employment Service provide to veterans? Which services should other agencies provide?

e. How well coordinated are the service efforts of the Employment Service and the VA? Where is improvement needed, and how should it be accomplished?

f. Should the Employment Service continue to be the central focus of Federally mandated veterans' employment programs? What are the alternatives?

g. How effective are the Federal Contractor Job Listing and Affirmative Action Programs for special disabled and Vietnam-era veterans?

2. Employment Training

For veterans who are job-ready and possess skills in demand in the labor market, a labor exchange may be the only service such veterans need. For those veterans who are unskilled or otherwise not job-ready, however, employment training is essential. The

Workforce 2000 study concludes that without adequate planning, structural unemployment and underemployment will pose difficult problems for large segments of the labor force. With workers changing jobs five or six times during their working lives, the need for training will extend beyond the pool of new labor market entrants, and will be an economic necessity for older workers as well.

Federal policy on skill training for veterans has historically been ambiguous. Programs such as HIRE and the Veterans Job Training Act have periodically been created administratively or legislatively, but have nearly always been short term in nature, responding to cyclical elevations in unemployment, chiefly among Vietnam-era veterans. During the 1970's, disabled and Vietnam-era veterans were identified as target groups in national employment and training programs for the general public, such as the Comprehensive Employment and Training Act (CETA). Yet, such national programs have become increasingly decentralized, with their priorities and operations determined by State and local governments. The passage of the Job Training Partnership Act in 1982 marked the end of most nationally mandated veterans' target group provisions in the Federal Government's major job training programs. Except in Title IV–C at present, veterans are not statutorily given preference over non-veteran JTPA applicants in the program which has averaged around $3.5 billion per year. Amendments to JTPA in 1986 introduced the term "veterans" in a number of places to ensure that JTPA program operators include veterans' representatives in their decision-making processes, and give special attention to veteran participants.

Some policymakers at both the State and local levels have concluded that the VA provides for the job training needs of veterans, and that JTPA and other training programs are supplemental to VA programs. The VA does, in fact, provide for such training, but its resources are limited, and eligibility for programs is restricted. Disabled veterans determined by the VA to have an employment handicap may receive employment training through the VA's Vocational Rehabilitation and Counseling program. Post-Vietnam-era veterans may train on the job and receive an assistance allowance similar to that granted for the veteran in an educational institution. Since 1983, the VA has administered the Veterans' Job Training Act in cooperation with the Department of Labor, a temporary program on-the-job training for Korean conflict and Vietnam-era veterans, with liberalized provisions for disabled veterans of those armed conflicts. The program has been extended three times by Congressional action.

a. Are current job training programs which are designed for the general public (e.g., JTPA) suitable to the needs of unemployed and underemployed veterans? How accessible are JTPA programs to veterans?

b. Should the same priority mandated by Federal law for veterans in the Employment Service be extended to apply to Federally funded job training programs?

c. Separate from JTPA Title IV–C, should there be a permanent, separate job training program for veterans? If so, should VJTA serve as a model for such a program? What types of training, other than on-the-job, would be useful to veterans?

d. How well does the VA's Vocational Rehabilitation program succeed in placing veterans into jobs for which they have been trained? Should eligibility for the program be broadened or restricted?

e. Should Congress create a separate program for dislocated workers who are veterans? Should veterans be targeted in a general dislocated workers program, and how?

3. Model Programs and New Approaches:

Beyond, and in concert with, the labor exchange and job training programs which serve veterans are new policies and experimental programs which the Secretary's Committee asks be examined for their potential for better serving veterans during the next twelve years. Some of these programs involve other Federal agencies, such as the Department of Defense, Small Business Administration and Office of Personnel Management. Others are funded under the veterans programs portion of Title IV of JTPA.

a. What specially targeted programs have had the most success in effectively serving:

- Disabled veterans.
- Female veterans.
- Minority veterans.
- Dislocated veterans.
- Veterans recently-separated from military service.
- Other target groups.

b. Have veterans' unemployment, underemployment, and other employment and training-related data (including data on the targeted groups specified above) been adequate to determine needs and assess service outcomes?

c. Assess the value of current pilot projects funded under Title IV–C of JTPA, including:

- Entrepreneurship programs.
- Military transition programs.
- Jobs for homeless veterans.

d. What are the limitations and other difficulties of JTPA Title IV–C generally? What changes should be made, either through administrative or legislative initiatives?

e. How effective is veterans preferences in the federal sector? How effective are the Disabled Veterans Affirmative Action, Veterans Readjustment Appointment and 30 percent Disabled Veterans Excepted Appointment programs in assessing eligible veterans in obtaining Federal employment?

f. What new technologies should be tapped to improve the quality and raise the level of employment and training services to veterans?

g. How can national veterans' service organizations best apply their vast human resources and ready access to millions of veterans to assist veterans in obtaining the skills and opportunities for personal and economic growth?

4. Veterans Employment and Training in the Year 2000

In examining the veterans' employment and training system, it is a relatively easier task to identify present needs and deficiencies, and the Secretary's Committee is hopeful that the Forum will elicit ideas to strengthen the ability of today's veterans to participate successfully in the workforce. But Workforce 2000 makes clear that, with the slow demise of regional industries, spreading worker dislocation and changes in the nature of work and available workers, that the labor market will be profoundly different by the Year 2000. While recognizing that the process of change is a continuum, the Committee wishes to examine the veterans' employment and training system and how that system might best be configured during the next twelve years to prepare for change.

a. What balance of Federal, State, local and private resources will optimize the delivery of job and job training services to veterans twelve years hence?

b. What relevance will existing services have to the emerging needs of the veterans' labor force at the end of the century? These services include:

- Labor exchange.
- VJTA and Targeted Jobs Tax Credit.
- Vocational Rehabilitation.
- JTPA and dislocated workers programs.

c. What other employment and training initiatives should or could be developed as an alternative or in addition to the above programs?

d. Should all veterans employment and training programs be gathered under a single agency or Department at the Federal level? If so, which department should it be?

- Veterans Administration.
- Department of Labor.
- Other.

e. If employment and employment training responsibilities remain divided among several State and local agencies, what effective means of coordination can be developed to avoid duplication of effort and to provide a smoothly functioning partnership for serving unemployed veterans?

f. What role should the Employment Service and JTPA service providers play in referring qualified individuals to employment and training opportunities in the U.S. Armed Forces or in assisting them to prepare for entry into military service?

g. What new programs and/or policies not now in existance should be developed to meet new needs which will emerge as we approach the Year 2000?

h. As part of the Total Force model in national defense, should National Guard and reserve members receive special services from employment and job training programs? If so, what services should they receive? Would their delivery impinge upon priorities for veterans?

i. Do veterans benefit more from separate employment and training programs, or from integration of veterans services in programs designed for the general public?

j. What will be the cost of reconfigured systems considered at the Forum? What cost-saving elements can be included in a reconfigured system?

k. What role would the U.S. Armed Forces play in assisting soon-to-be-separated military personnel in preparing for the civilian workforce, and considering continued military active duty service or entering Guard or Reserve components?

Forum Report

A draft report of Forum findings and recommendations will be prepared by the National Veterans' Training Institute which will record the Forum proceedings audio-visually for approval by the Secretary's Committee on Veterans' Employment. This information will be used by NVTI to build training courses for employment and training staff who will be directly involved in the delivery and provision of services of veterans through the year 2000. The written Forum Report will be widely distributed. All Forum participants will receive copies.

Signed at Washington, DC, this 3rd day of March, 1988.

Donald E. Shasteen,

Assistant Secretary for Veterans' Employment and Training.

[FR Doc. 88-5047 Filed 3-7-88; 8:45 am]

BILLING CODE 4510-79-M

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance; Bethlehem Rebar Industries, Inc.

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 18, 1988.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 18, 1988.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, NW., Washington, DC 20213.

Signed at Washington, DC, this 29th day of February 1988.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers, firm—	Location	Date received	Date of petition	Petition No.	Articles produced
Bethlehem Rebar Industries, Inc. (Workers)	Houston, TX	2/29/88	2/15/88	20,483	Rebar (steel).
Bethlehem Rebar Industries, Inc. (Workers)	Lehigh Valley, PA	2/29/88	2/15/88	20,484	Rebar steel.
Control Data Corp., (Workers)	Normandale, MN	2/29/88	2/18/88	20,485	Head arm assemblies.
Copley Square (Workers)	Fall River, MA	2/29/88	2/11/88	20,486	Sportswear.
Dow Corning Corp. (USWA)	Springfield, OR	2/29/88	2/19/88	20,487	Silicon metal.
Colt Industries Holley Automotive Div. (Workers)	Bowling Green, KY	2/29/88	2/14/88	20,488	Carburators.
Lectromelt Corporation (USWA)	Pittsburgh, PA	2/29/88	2/12/88	20,489	Machinery.
Milan Sportswear (Workers)	Milan, TN	2/29/88	2/12/88	20,490	Sportswear.
Muller Manufacturing Co. (USWA)	Syracuse, NY	2/29/88	2/12/88	20,491	Machinery.
Paccar Defense System (Workers)	Renton, WA	2/29/88	2/15/88	20,492	Castings and forgings
Pressure Cast, Ltd (AIW)	Grafton, WI	2/29/88	2/18/88	20,493	Castings.
Southwestern Sunbelt Cement (Workers)	El Paso, TX	2/29/88	2/1/88	20,494	Portland cement.
Tee Oil, Inc. (Workers)	Lafayette, LA	2/29/88	2/19/88	20,495	Gas and oil.
Varity International Services (Workers)	Racine, WI	2/29/88	2/19/88	20,496	Machinary parts books.
Vermont Marble Co. (USWA)	Proctor, VT	2/29/88	2/19/88	20,497	Mining and marble.

[FR Doc. 88-5026 Filed 3-7-88; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-20,213]

Dismissal of Application for Reconsideration; National Aluminum Corp., Murrysville, PA

Pursuant to 29 CFR 90.18 an application for administrative reconsideration was filed with the Director of the Office of Trade Adjustment Assistance for workers at National Aluminum Corporation, Murrysville, Pennsylvania. The review indicated that the application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA-W-20,213; National Aluminum Corporation, Murrysville, Pennsylvania (February 24, 1988)

Signed at Washington, DC, this 26th day of February 1988.

Marvin M. Fooks,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 88-5027 Filed 3-7-88; 8:45 am]

BILLING CODE 4510-30-M

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance; Westran Corp.

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period February 22, 1988–February 26, 1988.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have deceased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-20,362; Westran Corp., Alloy Steel Div., Duncan, OK

TA-W-20,310; GBR Fabrics, Inc., Teaneck, NJ

TA-W-20,311; Jeremy Industries, Inc., Teaneck, NJ

In the following cases the investigation revealed that criterion (3) has not been met for the reasons specified.

TA-W-20,366; Control Data Corp., Arden Hills, MN

Increased imports did not contribute importantly to workers separations at the firm.

TA-W-20,372; M & G Convoy, Inc., New Stanton, PA

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-20,358; Peabody Coal Co., Montcoal, WV

U.S. imports of coal are negligible.

TA-W-20,359; Peabody Coal Co., Twilight, WV

U.S. imports of coal are negligible.

Affirmative Determinations

TA-W-20,453; Melinda Frocks, Inc., Newark, NJ

A certification was issued covering all workers of the firm separated on or after January 25, 1987–January 31, 1988.

TA-W-20,341; Crosetti Frozen Foods, Watsonville, CA

A certification was issued covering all workers of the firm separated on or after August 1, 1987.

TA-W-20,376; Samax Dress Co., Inc., New York, NY

A certification was issued covering all workers of the firm separated on or after December 8, 1986.

TA-W-20,379; Volkswagen of America, Inc., Valley Forge, PA

A certification was issued covering all workers of the firm separated on or after December 18, 1986.

TA-W-20,380; Westinghouse Electric Corp., Heavy Industry Motor Div. Round Rock, TX

A certification was issued covering all workers of the firm separated on or after December 17, 1986.

TA-W-20,381; Action International Ltd, Mt. Clemens, MI

A certification was issued covering all workers of the firm separated on or after August 1, 1987.

TA-W-20,377; Texaco, Inc., New Orleans Operational Div. & Southern Exploration Div., Headquartered in New Orleans, LA and Operating at Various Locations in the Following States:

TA-W-20,377A Alabama
TA-W-20,377B Arkansas
TA-W-20,377C Connecticut
TA-W-20,377D Delaware
TA-W-20,377E Florida
TA-W-20,377F Georgia
TA-W-20,377G Louisiana
TA-W-20,377H Maine
TA-W-20,377I Maryland
TA-W-20,377J Massachusetts
TA-W-20,377K New Jersey
TA-W-20,377L New York
TA-W-20,377M North Carolina
TA-W-20,377N Pennsylvania
TA-W-20,377O Rhode Island
TA-W-20,377P South Carolina
TA-W-20,377Q New Orleans Operational Division, All Locations in the State of Texas

A certification was issued covering all workers of the firm in various locations in the States Listed above separated on or after December 17, 1986.

I hereby certify that the aforementioned determinations were issued during the period February 22, 1988–February 26, 1988. Copies of these determinations are available for inspection in Room 6434, U.S. Department of Labor, 601 D Street, NW. Washington, DC 20213 during normal business hours or will be mailed to persons who write to the above address.

Dated: March 1, 1988.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 88-5028 Filed 3-7-88; 8:45 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M-88-2-C]

Arch on The North Fork, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Arch on The North Fork, Inc., P.O. Box 928, Jackson, Kentucky 41339 has filed a petition to modify the application of 30 CFR 75.305 (weekly examinations for hazardous conditions) to its Nix Branch Mine (I.D. No. 15-14352) located in Breathitt County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that return aircourses be examined in their entirety on a weekly basis.

2. The mine elevation is 1437 feet which is 350 feet plus above river drainage and there is no history of methane in the coal seam.

3. Due to very poor conditions, roof falls, mud and water, certain areas of the mine are too hazardous to travel and efforts to rehabilitate would be hazardous and neither practical nor feasible.

4. As an alternate method, petitioner proposes that two monitoring stations will be maintained in order to evaluate bleeder return aircourses. In support of this request, petitioner states that—

(a) Methane and air readings will be made by a certified person on a weekly basis. A record of the examinations, including the date, time, and initials of the person making the readings, will be kept in the mine office and on a chalkboard at each measuring station;

(b) Methane will not be allowed to accumulate in the return aircourses beyond legal limits;

(c) The measuring stations will be maintained in a safe condition at all times;

(d) A map showing the area around the measuring station along with the direction of airflow will be posted at each station; and

(e) Persons working in the area will be instructed in emergency evacuation procedures and will be equipped with self-contained self-rescuers.

5. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 7, 1988. Copies of the petition are available for inspection at that address.

Dated: February 29, 1988.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 88-5029 Filed 3-7-88; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-87-44-M]

Cripple Creek & Victor Gold Mining Co.; Petition for Modification of Application of Mandatory Safety Standard

Cripple Creek & Victor Gold Mining Company, P.O. Box 191 Victor, Colorado 80860 has filed a petition to modify the application of 30 CFR 56.14001 (moving machine parts) to its Heap Leach Project (I.D. No. 05-04050) located in Teller County, Colorado. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that gears; sprockets; chains; drive, head, tail, and takeup pulleys; flywheels; couplings; shafts; swablades; fan inlets; and similar exposed moving machine parts which may be contracted by persons, and which may cause injury to persons be guarded.

2. As an alternate method, petitioner proposes to enclose the line shaft area in a fence with a locked gate in lieu of guarding each piece of equipment individually. In support of this request, petitioner states that —

(a) The feeders are controlled by a clutch handle that extend to a guarded walkway on the opposite side of the belt;

(b) The locked gate contains an electrical contract that is connected to the interlocking system on the entire crushing area. As soon as the gate is opened, the power to the conveyors, pan feeder, and crushers is disengaged. Upon closing the gate, each piece of equipment must be manually restarted;

(c) Warning signs will be posted indicating the interlocking system;

(d) With the control, lever on the opposite side of the feeders, the operator will never need access to the line shaft. Maintenance personnel will be the only ones requiring access to the area;

(e) The lock-out procedure for entering the area will require the entire line shaft, conveyor belt and jaw crusher to be locked out both locally and at the motor control center; and

(f) The door to the area will be kept by Mill Management and Shift Supervisors.

3. Fot these reasons, petitioner requests a modification of the standard.

Request for Comments

Person interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 7, 1988. Copies of the petition are available for inspection at that address.

Dated: February 29, 1988.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 88-5030 Filed 3-7-88; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-88-1-C]

Cross Mountain Coal, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Cross Mountain Coal, Inc., P.O. Box 547, Lake City, Tennessee 37769 has filed a petition to modify the application of 30 CFR 75.305 (weekly examinations for hazardous conditions) to its Katie No. 1 Mine (I.D. No. 40-02648) located in Campbell County, Tennessee. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that return aircourses be examined in their entirety on a weekly basis.

2. Due to roof falls certain areas of the mine are unsafe to travel. Miners walking in these areas are constrantly exposed to changing roof conditions which have become hazardous, and attempts to restore these areas have been unsafactory.

3. As an alternate method, petitioner proposes to establish an air measure station. In support of the request, petitioner staters that—

(a) Access to and from the measuring station will be kept in a travelable and safe condition;

(b) A record book containing current air flow and methane readings will be located on the surface;

(c) Checks for methane and the velocity and direction of air flow will be made by a qualified person as needed, but at least weekly;

(d) All access areas to the roof falls will be timbered and dangered off;

(e) The roof falls have not materially affected the efficiency of the mine's ventilation system; and

(f) No escapeways travel through the affected areas.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 7, 1988. Copies of the petition are available for inspection at that address.

Dated: February 29, 1988.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 88-5031 Filed 3-7-88; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-88-7-C]

Davidson Mining, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Davidson Mining, Inc., 41 Eagles Road, Beckley, West Virginia 25801 has filed a petition to modify the application of 30 CFR 75.1105 (housing of underground transformer stations, battery-charging stations, substations, compressor stations, shops, and permanent pumps) to its No. 1 Mine (I.D. No. 46-06898) located in Boone County, West Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that air currents used to ventilate structures or areas enclosing electrical installations be coursed directly into the return.

2. As an alternate method, petitioner proposes to house the belt transformer in a fireproof structure, and not return the air currents that will be ventilating this structure directly into the return. In support of this request, petitioner states that—

(a) The doors of the fireproof structure will be held open on each end by heat links that would melt and cause the door to close automatically with a rise in temperature;

(b) A chemical fire suppression system will be installed over the transformer; and

(c) A fire sensor that will give an alarm at an attended surface location will be installed over the transformer.

3. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 7, 1988. Copies of the petition are available for inspection at that address.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

Date: February 29, 1988.

[FR Doc. 88-5032 Filed 3-7-88; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-88-12-C]

Emco Coal Company Inc.; Petition for Modification of Application of Mandatory Safety Standard

Emco Coal Company, Inc., HC 66, Box 1012, Barbourville, Kentucky 40906 has filed a petition to modify the application of 30 CFR 75.313 (methane monitor) to its Mine No. 1 (I.D. No. 15-16250) located in Knox County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that a methane monitor be installed on any electric face cutting equipment, continuous monitor, longwall face equipment and loading machine and is required to be kept operative and properly maintained and frequently tested.

2. Petitioner states that no methane has been detected in the mine. The three wheel tractors are permissible DC powered machines, with no hydraulics. The bucket is a drag type, where approximately 30-40% of the coal is hand loaded. Approximately 20% of the time that the tractor is in use, it is used as a man trip and supply vehicle.

3. As an alternate method, petitioner proposes to use hand held continuous oxygen and methane monitors in lieu of methane monitors on three wheel tractors. In further support of this request, petitioner states that:

(a) Each three wheel tractor will be equipped with a hand held continuous monitoring methane and oxygen detector and all persons will be trained in the use of the detector;

(b) A gas test will be performed, prior to allowing the coal loading tractor in the face area, to determine the methane concentration in the atmosphere. The air quality will be monitored continuously after each trip, provided the elapse time between trips does not exceed 20 minutes. This will provide continuous monitoring of the mine atmosphere for methane to assure any undetected methane buildup between trips;

(c) If one percent of methane is detected, the operator will manually deenergize his/her battery tractor immediately. Production will cease and will not resume until the methane level is lower than one percent;

(d) A spare continuous monitor will be available to assure that all coal hauling tractors will be equipped with a continuous monitor;

(e) Each monitor will be removed from the mine at the end of the shift, and will be inspected and charged by a qualified person. The monitor will also be calibrated monthly; and

(f) No alterations or modifications will be made in addition to the manufacturer's specifications.

4. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 7, 1988. Copies of the petition are available for inspection at that address.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

Date: February 29, 1988.

[FR Doc. 88-5033 Filed 3-7-88; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-88-25-C]

Helvetia Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Helvetia Coal Company, Box 729, Indiana, Pennsylvania 15701 has filed a petition to modify the application of 30 CFR 75.1100-2(b) (quantity and location of firefighting equipment—belt conveyors) to its Lucerne No. 9 Mine (I.D. No. 36-05374) located in Indiana County, Pennsylvania. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that waterlines be installed parallel to the entire length of belt conveyors and be equipped with firehose outlets with valves at 300-foot intervals along each belt conveyor and at tailpieces. At least 500 feet of firehose with fittings suitable for connection with each belt conveyor waterline system is required to be stored at strategic locations along the belt conveyor.

2. Petitioner states that during cold weather periods, the waterlines used for fire protection along the slope belt freezes and becomes inoperative.

3. As an alternate method, petitioner proposes to utilize a dry waterline system, which will be pressurized with water by manually activating a water valve either at the top of the slope (surface) or at the bottom of the slope (underground), from October 1 through May 1. In support of this request, petitioner states that—

(a) The dry waterline will be equipped with firehose outlets with valves at 300-foot intervals;

(b) At least 500 feet of firehose with fittings suitable for connection to the valves will be stored at the top of the slope and at strategic locations along the belt conveyor;

(c) All persons in the vicinity of the slopes will be instructed as to the operation of the system;

(d) Sufficient water will be available for the system at all times;

(e) A pressure gauge will be installed on the surface to indicate that a supply of water under pressure is available to the system; and

(f) The water supply system on the surface will be protected from freezing and will be easily accessible for manual operation.

4. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 7, 1988. Copies of the petition are available for inspection at that address.

Patricia W. Silvey,

Director Office of Standards, Regulations and Variances.

Date: February 29, 1988.

[FR Doc. 88-5034 Filed 3-7-88 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-88-21-C]

Jim Walter Resources, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Jim Walter Resources, Inc., P.O. Box C-79, Birmingham, Alabama 35283 has filed a petition to modify the application of 30 CFR 75.326 (aircourses and belt haulage entries) to its No. 7 Mine (I.D. No. 01-01401) located in Tuscaloosa County, Alabama. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirements that entries used as intake and return aircources be separated from belt haulage entries, and the belt haulage entries not be used to ventilate active working places.

2. As an alternate method, petitioner proposes to develop a three entry system using split ventilation, in which the No. 1 entry will be a future tailgate entry and a return aircourse; the No. 2 entry will be the track entry an intake aircourse; and the No. 3 entry will be the longwall belt entry and a return aircourse.

3. In support of this request, petitioner states that in order to maintain the quantity of air required by mining conditions, the belt needs to be located in the return aircourse. The three entry system using a 24 foot wide intake aircourse and split system of ventilation will provide minimum pressure loss and maximum air quantities for full panel drivage. A split system of face ventilation will prevent mining support operation for being down wind of the continuous miner.

4. In further support of this request, petitioner states that—

(a) Bulkheads will be provided between the belt drive and the point where air in the belt entry flows into the return aircourse. This will maintain the conveyor belt electric motor and starter in an intake split of air coursed directly to the return:

(b) The alternate escapeway will be in the return aircourse other than the belt return aircourse;

(c) An atmospheric monitoring station capable of monitoring for methane and carbon monoxide (CO) will be located immediately inby the point where leakage through the bulkhead and air in the belt return mix. Due to leakage anticipated across the line curtain at the feeder, an additional methane and CO monitoring station will be located 500 feet downwind of the tailpiece and also at the normal 2,000 foot intervals;

(d) An audible and visual alarm will be activated when the methane level exceeds .9 percent or when the CO level exceeds 10 parts per million (ppm) above ambient air. An investigation will be made to determiene the cause for the alert, and when the source is discovered, The CO level will be reduced to acceptable levels. When the methane level exceeds 1.0 percent or the CO level exceeds 15 ppm above ambient air, the belt conveyor center will deenergize automatically. All miners in the affected area will be evacuated to the monitor location outby the location of the monitor detecting alarm level concentrations. In the event that a fire is encountered, the evacuation plan will be implemented. When the methane alarm signal sounds minor changes and adjustments in airflow will be made during the time that the conveyor belt is deenergized. The belt conveyor power center will be arranged for manual reset only;

(e) The system will be capable of giving warning of a fire for a minimum of four hours should the power fail;

(f) The system will be capable of monitoring electrical continuity and detecting electrical malfunctions;

(g) The system will be visually examined at least once every day that coal is produced and tested for functional operation weekly to insure the system is functioning properly. The system will be calibrated with known concentrations of CO and methane air mixtures at least monthly;

(h) If the system or any portion of the system is deenergized for routine maintenance of for failure of a sensor unit, the belt conveyor will contianue to operate and qualified persons will continuously patrol and monitor for CO and methane;

(i) The belt return aircourse will be examined as required; and

(j) All electric components in the return downwind of the feeder will be maintained permissible or intrinsically safe. The feeder will be outby the last open crosscut and will be maintained on intake air along with the sequence switch located at the tailpiece. The alarm located at the feeder will also be on intake air.

4. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standard, Regulations and Variances, Mine Safety and Health Administration,

Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 7, 1988. Copies of the petition are available for inspection at that address.

Date: February 29, 1988.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 88-5035 Filed 3-7-88 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-88-20-C]

Kerr-McGee Coal Corp.; Petition for Modification of Application of Mandatory Safety Standard

Kerr-McGee Coal Corporation, P.O. Box 727, Harrisburg, Illinois 62946 has filed a petition to modify the application of 30 CFR 75.902 (low- and medium-voltage ground check monitor circuits) to its Galatia Mine 56-1, No. 6 Seam Fluids Borehold, (I.D. No. 11-02752) located in Saline County, Illinois. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirements that low- and medium-voltage resistance grounded systems include a fail-safe ground check circuits to monitor continuously. The ground check circuit is required to cause the circuit breaker to open when either the ground or pilot check wire is broken.

2. As an alternate method, petitioner proposes to use 480 volt, three phase, power distribution without the use of the ground check circuit in the No. 6 seam fluids borehole. In support of this request, petitioner states that—

(a) The fluids borehole is constructed with concrete floors with the roof and rib wire meshed and sealed with a nonhazardous pressure applied fibrous sealant;

(b) Galvanized rigid conduit will be used throughout the fluids borehole area. The conduit will be supported by strut fastened to the roof.

(c) All electrical panels, starters, boxes, etc., will be of type NEMA 12;

(d) All 480 volt, three phase equipment will be stationary and connected by galvanized rigid conduit;

(e) All equipment will be bonded to the grounding system through the conduit system and through a ground wire pulled in the conduit system;

(f) Power will be fed to NEMA 12 electrical panels from a mine duty distribution box by MSHA approved cables and protected at the distribution box by MSHA approved ground monitor, ground fault, under voltage release, thermal and magnetic overload protection; and

(g) The design and installation of this electrical system will conform to the 1987 National Electrical Code.

3. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standard, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in the office on or before April 7, 1988. Copies of the petition are available for inspection at that address.

Date: February 29, 1988.

Patricia W. Silvey,

Director Office of Standards, Regulations and Variances.

[FR Doc. 88-5036 Filed 3-7-88 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-88-8-C]

Marie Enterprises Inc., Petition for Modification of Application of Mandatory Safety Standard

Marie Enterprises Inc., 222 Nutwood Road, Middlesboro, Kentucky 40965, has filed a petition to modify the application of 30 CFR 75.313 (methane monitor) to its Mine No. 1 (I.D. No. 15-15972) and its Mine No. (I.D. No. 2 15-13819) both located in Whitley County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statement follows:

1. The petition concerns the requirement that a methane monitor be installed on any electric face cutting equipment, continuous monitor, longwall face equipment and loading machine and is required to be kept operative and properly maintained and frequently tested.

2. Petitioner states that no methane has been detected in the mine. The three wheel tractors are permissible DC powered machines, with no hydraulics. The bucket is a drag type, where approximately 30-40% of the coal is hand loaded. Approximately 20% of the time that the tractor is in use, it is used as a man trip and supply vehicle.

3. As an alternate method, petitioner proposes to use hand held continuous oxygen and methane monitors in lieu of methane monitors on three wheel tractors, In further support of this request, petitioner states that:

(a) Each three wheel tractor will be equipped with a hand held continuous monitoring methane and oxygen detector and all persons will be trained in the use of the detector;

(b) A gas test will be performed, prior to allowing the coal loading tractor in the face area, to determine the methane concentration in the atmosphere. The air quality will be monitored continuously after each trip, provided the elapsed time between trips does not exceed 20 minutes. This will provide continuous monitoring of the mine atmosphere for methane to assure any undetected methane build up between trips;

(c) If one percent of methane is detected, the operator will manually deenergize his/her battery tractor immediately. Production will cease and will not resume until methane level is lower than one percent;

(d) A spare continuous monitor will be available to assure that all coal hauling tractors will be equipped with a continuous monitor;

(e) Each monitor will be removed from the mine at the end of the shift, and will be inspected and charged by a qualified person. The monitor will also be calibrated monthly; and

(f) No alterations or modifications will be made in addition to the manufacturer's specifications.

4. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 7, 1988. Copies of the petition are available for inspection at that address.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

Date: February 29, 1988.

[FR Doc. 88-5037 Filed 3-7-88; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-87-289-C]

Mid-Continent Resources, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Mid-Continent Resources, Inc., P.O. Box 158, Carbondale, Colorado 81623 has filed a petition to modify the application of 30 CFR 75.305 (weekly examinations for hazardous conditions) to its Dutch Creek No. 1 Mine (I.D. No. 05-00301) and its Dutch Creek No. 2 Mine (I.D. No. 05-00469) both located in Pitkin County, Colorado. The petition is filed under section 101(c) of the the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statement follows:

1. The petition concerns the requirement that seals and return aircourses be examined in their entirety on a weekly basis.

2. Petitioner states that due to the depth of the coal seams, which range from 2,500 to 3,500 feet of direct overburden, destressing of the surrounding and upper geologic formations manifested by floor heave bounces and outbursts, and roof deterioration certain areas of the mine are unsafe to travel.

3. As an alternate method, petitioner proposes to establish evaluation points at specific locations to adequately monitor seal or seal-set or airways' ventilation performance, check ventilation air quality returning from a designated seal or seal-set and check for and ensure airway continuity. In support of this request, petitioner states that—

(a) A certified examiner will make tests of air volume and quality at evaluation points on a weekly basis;

(b) A book or date board will be established at each evaluation site for the purpose of recording the results of examinations at each evaluation point. The results of each weekly examination will be recorded;

(c) If a deterioration of air volume, velocity or quality is detected by the examiner, an immediate investigation of the affected area will be conducted;

(d) A diagram showing the normal direction of the air current flow will be posted at each evaluation point, and will be maintained in a legible condition. Any change in the flow of air will be reported to the foreman immediately. If at any time the air quantity at any evaluation point indicates a change of air quantity of 20 percent from the last previous reading, an immediate investigation of the affected area will be conducted;

(e) Methane gas or other harmful, noxious, or poisonous gases will not be permitted to accumulate in these airways in excess of the legal limits. An increase of 0.5 per centum methane above the last previous reading will be immediately reported to the mine foreman and cause an immediate investigation of the affected area;

(f) All air measurement stations and approaches to such stations will be maintained in a safe condition at all times. The roof will be supported in accordance with the approved roof control plan; and

(g) All ventilation evaluation points will be shown on the mine ventilation system and methane and dust control map and will be a part of the approved ventilation plan for the mine.

4. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 7, 1988. Copies of the petition are available for inspection at that address.

Date: February 29, 1988.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 88-5038 Filed 3-7-88; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-88-26-C]

Poverty Coal Company, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Poverty Coal Company, Inc., 109 Broad Bottom Road, Pikeville, Kentucky 41501 has filed a petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to its No. 1 Mine (I.D. No. 15-08431) located in Pike County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1988.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that cabs or canopies be installed on the mine's electric face equipment.

2. The No. 1 mine is 47 inches in height and is located in the No. 1 Elkhorn seam. The seam ascends and descends on sharply pitching grades, and has several inconsistencies affecting normal haulage procedures.

3. Petitioner states that the use of cabs or canopies on the mine's electric face equipment would result in a diminution of safety because the cabs or canopies could strike and dislodge roof bolts, and cause the machine to become wedged in place. The cabs or canopies would restrict the equipment operator's vision, causing the operator to lean from under the cab or canopy to attempt to see around the machine, creating the potential for an accident. the cabs or canopies would also limit the equipment operator's seating position, resulting in fatigue and reduced alertness.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 7, 1988. Copies of the petition are available for inspection at that address.

Dated: February 29, 1988.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 88-5039 Filed 3-7-88; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-88-27-C]

Scotts Branch Mine; Petition for Modification of Application of Mandatory Safety Standard

Scotts Branch Mine, Route 1, Box 816, Pikeville, Kentucky 41501 has filed a petition to modify the application of 30 CFR 75.1103-4(a) (automatic fire sensor and warning device systems; installation; minimum requirements) to its Scotts Branch Mine (I.D. No. 15-08079) located in Pike County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that automatice fire sensor and warning device systems provide identification of fire within each belt flight.

2. In a separate petition (M-88-28-C), petitioner proposes to use air in the belt haulage entry to ventilate active working places.

3. In lieu of a point-type sensor system, petitioner proposes to use an automatic fire detection system based on carbon monoxide monitoring of the underground belt conveyors. The system will be installed and operated with specific conditions in all belt entries utilized as intake aircourses.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 7, 1988. Copies of the petition are available for inspection at that address.

Date: February 29, 1988.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 88-5040 Filed 3-7-88; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-88-28-C]

Scotts Branch Mine; Petition for Modification of Application of Mandatory Safety Standard

Scotts Branch Mine, Route 1, Box 816, Pikeville, Kentucky 41501 has filed a petition to modify the application of 30 CFR 75.326 (aircourses and belt haulage entries) to its Scotts Branch Mine (I.D. No. 15-08079) located in Pike County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that entries used as intake and return aircourses be separated from belt haulage entries, and that belt haulage entries not be used to ventilate active working places.

2. As an alternate method, petitioner proposes to use air in the belt haulage entry to ventilate active working places. This will give the active working sections optimum access when such access is desired and believed to be safely advantageous to intake air for use in ventilating working places that are presently required under the approved methane and dust control plan.

3. In support of this request, petitioner proposes to install an early warning fire detection system. A low-level carbon monoxide detection system will be installed in all belt entries utilized as intake air courses. The low-level CO system will be capable of giving warning of a fire for four hours should the power fail; a visual alert signal will be activated when the CO level is 10 parts per million (ppm) above the ambient level and an audible signal will sound at 15 ppm above the established ambient level. All persons will be withdrawn to a safe area at 10 ppm and evacuated at 15 ppm. The fire alarm signal will be activated at an attended surface location where there is two-way communication. The CO system will be capable of identifying any activated sensor and for monitoring electrical continuity and deleting electrical malfunctions.

4. The CO monitoring system will be visually examined at least once each day during production periods. To ensure proper functioning, more extensive examinations will be made on a schedule recommended by the manufacturer. The monitoring system will be calibrated with known concentrations of CO and air mixtures at least monthly.

5. If at any time the CO monitoring system or any portion of the system has been deenergized for reasons such as routine maintenance of failure of a sensor unit, the belt conveyor may continue to operate provided the affected portion of the belt conveyor entry will be continuously patrolled and monitored for CO by a qualified person using hand-held CO detecting devices.

6. The details for the fire detection system including, but not limited to, type of monitor and specific sensor location on the mine map will be included as a part of the Ventilation System and Methane Dust Control Plan.

7. The permanent stoppings separating the conveyor belt entries from the intake escapeway will be approved in the Ventilation System and Methane and Dust Control Plan for the mine.

8. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 7, 1988. Copies of the petition are available for inspection at that address.

Date: February 29, 1988.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 88-5041 Filed 3-7-88; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-88-15-C]

Summar Coal Inc.; Petition for Modification of Application of Mandatory Safety Standard

Summar Coal Inc., P.O. Box 150, Woodbine, Kentucky 40771 has filed a petition to modify the application of 39 CFR 75.313 (methanemonitor) to its Mine No. 7 (I.D. No. 15-16227) and its Mine No. 8 (I.D. No. 15-16108) both located in Whitley County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that a methane monitor be installed on any electric face cutting equipment, continuous monitor, longwall face equipment and loading machine and is required to be kept operative and properly maintained and frequently tested.

2. Petitioner states that no methane has been detected in the mine. The three wheel tractors are permissible DC powered machines, with no hydraulics. The bucket is a drag type, where approximately 30-40% of the coal is hand loaded. Approximately 20% of the time the tractor is in use, it is used as a man trip and supply vehicle.

3. As an alternate method, petitioner proposes to use hand held continuous oxygen and methane monitors in lieu of methane monitors on three wheel tractors. In further support of this request, petitioner states that:

(a) Each three wheel tractor will be equipped with a hand held continuous monitoring methane and oxygen detector and all persons will be trained in the use of the detector;

(b) A gas test will be performed, prior to allowing the coal loading tractor in the face area, to determine the methane concentration in the atmosphere. The air quality will be monitored continuously after each trip, provided the elapse time between trips does not exceed 20 minutes. This will provide continuous monitoring of the mine atmosphere for methane to assure any undetected methane buildup between trips;

(c) If one percent of methane is detected, the operator will manually deenergize his/her battery tractor immediately. Production will cease and

will not resume until the methane level is lower than one percent;

(d) A spare continuous monitor will be available to assure that all coal hauling tractors will be equipped with a continuous monitor;

(e) Each monitor will be removed from the mine at the end of the shift, and will be inspected and charged by a qualified person. The monitor will also be calibrated monthly; and

(f) No alterations or modifications will be made in addition to the manufacturer's specifications.

4. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 7, 1988. Copies of the petition are available for inspection at that address.

Date: February 29, 1988.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 88-5042 Filed 3-7-88; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-87-41-M]

Tenneco Minerals Co.; Petition for Modification of Application of Mandatory Safety Standard

Tenneco Minerals Company, P.O. Box 1167, Green River, Wyoming 82935 has filed a petition to modify the application of 30 CFR 57.22218 (seals and stoppings) to its Tenneco Soda Ash Project (I.D. No. 48-01295) located in Sweetwater County, Wyoming. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that all seals, and those stoppings that separate main intake from main return airways be of a substantial construction, except that stoppings constructed of brattice materials be used in the face areas.

2. As an alternate method, petitioner proposes to construct stoppings in any crosscut with styrofoam blocks approximately 24 inches high and 20 inches thick with joints and perimeter sealed with rigid urethane foam. Petitioner states that this construction would provide safer conditions for miners while providing excellent ventilation control throughout the mine.

3. Petitioner further states that the light weight styrofoam blocks will reduce the potential for injury associated with stoppings construction. In the event of ground movement, styrofoam block stoppings behave like large squeeze blocks, easily crushing and conforming to the new opening shape while maintaining and possibly improving tight joints and perimeter contact. Little or no short-circuiting of ventilation air would occur. The material is not likely to propagate flame, but does shrink in size immediately and melt when exposed to flame temperature heat. If a fire occurs near a stopping, the shrinkage would result in a rapid and desirable short-circuit of air directly into the return entries, carrying away any harmful fumes and gases from the fire with it and preventing them from circulating to the face areas and the miners.

4. The storage of any flammable or combustible material or the parking of any diesel powered equipment will not be permitted in any crosscut in which a foam stopping has been constructed.

5. In the event it becomes necessary to run a power cable through a foam stopping, the cable will be run through a steel pipe where it passes through the stopping.

6. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 7, 1988. Copies of the petition are available for inspection at that address.

Date: February 29, 1988.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 88-5043 Filed 3-7-88; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-87-306-C]

West Fork Energy, Inc.; Petition for Modification of Application of Mandatory Safety Standard

West Fork Energy, Inc., 106 Suffolk Avenue, Richlands, Virginia 24641 has filed a petition to modify the application of 30 CFR 75.305 (weekly examinations for hazardous conditions) to its West Fork Mine No. 1 (I.D. No. 44-01488) located in Tazewell County, Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that return aircourses be examined in their entirety on a weekly basis.

2. Due to an unintentional roof fall certain areas of the mine cannot be safely traveled. Petitioner states that both sides of the fall have had considerable supplemental support, cribs and timbers, installed, and it would be unsafe to remove these for cleanup. The volume of air over the fall is 78,000 CFM, and it is possible to inspect the air courses up to both sides of the fall.

3. As an alternate method, petititioner proposes to establish check points on each side of the fall. The area will be supported and made safe to examine the bleeder from the pillar works, and a man door will be installed.

4. For these reasons petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 7, 1988. Copies of the petition are available for inspection at that address.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

Date: February 29, 1988.

[FR Doc. 88-5044 Filed 3-7-88; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-88-17-C]

Wolf-Creek Collieries Co.; Petition for Modification of Application of Mandatory Safety Standard

Wolf-Creek Collieries Company, P.O. Box 179, Lovely, Kentucky 41231 has filed a petition to modify the application of 30 CFR 75.1103-4(a) (automatic fire sensor and warning device systems; installation;) to its No. 4 Mine (I.D. No. 15-04020) located in Martin County, Kentucky. The petition is filed under

section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that automatic fire sensor and warning device systems provide identification of fire within each belt flight.

2. Petitioner states that with the use of point-type sensors, a temperature of 135 degrees Fahrenheit must be attained directly under the sensor, before it will activate and sound an alarm. With these point-type sensors spaced 125 feet apart the potential for a small fire to become a raging inferno is greatly increased.

3. In lieu of point-type sensors, petitioner proposes to use an early-warning fire detection system using a low-level carbon monoxide detection system. The system will be installed and operated with specific conditions in all belt entries used as intake aircourses.

4. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 7, 1988. Copies of the petition are available for inspection at that address.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

Date: February 29, 1988.

[FR Doc. 88-5045 Filed 3-7-88; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-88-18-C]

Wolf-Creek Collieries Co.; Petition for Modification of Application of Mandatory Safety Standard

Wolf-Creek Collieries, Company, P.O. Box 179, Lovely, Kentucky 41231 has filed a petition to modify the application of 30 CFR 75.326 (aircourses and belt haulage entries) to its No. 4 Mine (I.D. No. 15-04020) located in Martin County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that entries used as intake and return aircourses be separated from belt haulage entries, and that belt haulage entries not be used to ventilate active working places.

2. Petitioner states that with continuing development of the mine, ventilation requirements have become greater as the mine develops. Increased resistance is created by longer lengths and higher velocities which are needed in order to insure sufficient ventilation. With the gain of an additional intake, resistance should decrease and result in an increase in the quantity of air delivered to the working sections.

3. As an alternate, method petitioner states that an early warning fire detection system will be installed. A low-level carbon monoxide detection system will be installed in all belt entries utilized as intake air courses. The low-level CO system will be capable of giving warning of a fire for fours hours should the power fail; a visual alert signal will be activated when the CO level is 10 ppm above the ambient level and an audible signal will sound at 15 ppm above the established ambient level. All persons will be withdrawn to a safe area at 10 ppm and evacuated at 15 ppm. The CO monitoring system will initiate the fire alarm signals at an attended surface location. This responsible person will notify the working sections and other personnel who may be endangered, when the established alert and alarm levels are reached. The CO system will be capable of identifying any activated sensor and for monitoring electrical continuity and deleting electrical malfunctions.

4. The CO monitoring system will be visually examined at least once each coal producing shift and tested for functional operation weekly to insure the monitoring system is functioning properly. The monitoring system will be calibrated with known concentrations of CO and air mixtures at least monthly.

5. If at any time the CO monitoring system or any portion of the system has been deenergized for reasons such as routine maintenance or failure of a sensor unit, the belt conveyor may continue to operate provided the affected portion of the belt conveyor entry will be continuously patrolled and monitored for CO by a qualified person using hand-held CO detecting devices.

6. The details for the fire detection system including, but not limited to, type of monitor and specific sensor location on the mine map will be included as a part of the Ventilation System and Methane Dust Control Plan.

7. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations, and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 7, 1988. Copies of the petition are available for inspection at that address.

Patricia W. Silvey,

Director, Office of Standards, Regulations, and Variances.

Date: February 29, 1988.

[FR Doc. 88-5046 Filed 3-7-88; 8:45 am]

BILLING CODE 4510-43-M

Pension and Welfare Benefits Administration

[Application No. D-7188 et al.]

Proposed Exemptions; Edgewater Associates Profit Sharing Plan and Trust et al.

AGENCY: Pension and Welfare Benefits Administration, Labor.

ACTION: Notice of proposed exemptions.

SUMMARY: This document contains notices of pendency before the Department of Labor (the Department) of proposed exemptions from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1954 (the Code).

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemptions, unless otherwise stated in the Notice of Pendency, within 45 days from the date of publication of this **Federal Register** notice. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Pension and Welfare Benefits Administration, Office of Regulations and Interpretations, Room N-5669, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210. Attention: Application No. stated in each Notice of Pendency. The applications for exemption and the comments received will be available for public inspection in the Public

Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue NW., Washington, DC 20210.

Notice to Interested Persons

Notice of the proposed exemptions will be provided to all interested persons in the manner agreed upon by the applicant and the Department within 15 days of the date of publication in the **Federal Register.** Such notice shall include a copy of the notice of pendency of the exemption as published in the **Federal Register** and shall inform interested persons of their right to comment and to request a hearing (where appropriate).

SUPPLEMENTARY INFORMATION: The proposed exemptions were requested in applications filed pursuant to section 408(a) of the Act and/or section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, these notices of pendency are issued solely by the Department.

The applications contain representations with regard to the proposed exemptions which are summarized below. Interested persons are referred to the applications on file with the Department for a complete statement of the facts and representations.

Edgewater Associates Profit Sharing Plan and Trust (the Plan) Located in Chicago, IL

[Application No. D–7188]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted: (1) The restrictions of section 406(b)(2) of the Act shall not apply to the proposed loan (the Refinanced Loan) by the Plan to the Edgewater Physical Therapy Associates, Inc. Employees' Benefit Association Trust (the VEBA); provided that the terms and conditions of the Refinanced Loan are no less favorable to the Plan than similar terms negotiated at arm's-length with an unrelated third party; and (2) the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to the guaranty of the Refinanced Loan by the current sponsor of the Plan.

Temporary Nature of Exemption

The proposed exemption is temporary and if granted will expire ten (10) years after the date of grant with respect to the making of the Refinanced Loan.

Summary of Facts and Representations

1. The Plan is a defined contribution profit sharing plan established under section 401 of the Code on December 28, 1970. The Plan had, as of December 31, 1986, approximately 35 participants and net assets on the same date of $846,884. Charles Kaplan (Mr. Kaplan) is a participant in and one of the trustees of the Plan. Terry Garbaciak is the co-trustee of the Plan with Mr. Kaplan.

2. In 1970, when the Plan was established, the name of the original sponsor was Cotovsky-Kaplan Physical Therapy Associates, Ltd. On March 10, 1983, that name was changed to Edgewater Physical Therapy Associates, Inc. (EPTA). EPTA limited its practice primarily to Medicare patients. On January 5, 1983, another entity, Edgewater Rehabilitation Associates, Inc. (ERA), was incorporated for the purpose of providing physical therapy to non-Medicare clients. ERA adopted the Plan for its employees and became a participating employer of the Plan along with EPTA. On December 31, 1985, in order to reduce the cost of maintaining two corporations, ERA merged into EPTA, leaving EPTA as the surviving corporation. Simultaneously, with the merger, EPTA changed its name to Edgewater Rehabilitation Associates, Inc. (the Employer), the current sponsor of the Plan.

The Employer is located at 1801 North Lincoln Avenue, Chicago, Illinois, and hires licensed physical therapists to provide services to various private and public schools, hospitals, nursing homes, and other health care providers in the Chicago area. Mr. Kaplan is a shareholder of 98% of the stock of the Employer and serves as the president, treasurer, and a director of the Employer. Terry Garbaciak and Donald Kravets own a one percent (1%) interest in the Employer each and serve as officers of the Employer. It is represented that the Employer's current gross assets are approximately $526,612.

3. The VEBA is a voluntary employee benefit association established December 28, 1982, for the sole purpose of supplying fringe benefits to all qualifying employees of the VEBA's sponsor, the Employer. On June 3, 1983, the VEBA was qualified as a plan under section 501(c)(9) of the Code for payment of benefits to members of the VEBA. Mr. Kaplan is a participant in and the trustee for the VEBA. The VEBA's assets as of December 31, 1986, total $57,206. On May 1, 1983, the VEBA added as a benefit to its members the use of the Condo for the purpose of enhancing the Employer's ability to attract and retain highly qualified physical therapists in a competitive employment market. It is represented that the VEBA and the Plan do not supply any services with respect to one another and are not parties in interest with respect to one another, pursuant to section 3(14) of the Act.

4. The Condo is described as Unit 2G, Baileys Harbor Yacht Club Condominiums, Baileys Harbor, Door, Wisconsin. The Condo was constructed eight years ago, is fully furnished, has a fieldstone fireplace, a deck, and is located on the waterfront. Condo users have access to common pool and tennis court areas.

The Condo was acquired by the VEBA from an unrelated seller at a price of $130,000. To provide for a down payment on the Condo, and to provide funds for the purchase of furnishings, the Employer made a contribution to the VEBA. The balance of the money needed for the VEBA to purchase the Condo was obtained from a loan to the VEBA in the amount of $80,000 from a local third party bank (the Bank) at an annual interest rate of 12.75%. As part of the financing terms, the Bank took a promissory note and a first mortgage on the Condo from the VEBA and a guaranty for payment of the loan from the Employer. It is represented that the payments on the loan are made from the Employer's contributions to the VEBA and that the current unpaid balance on the loan is approximately $74,483.

5. The Plan proposes to refinance for the VEBA the existing loan with the Bank from proceeds of money market funds yielding a return of approximately 5.5%, as of August 20, 1987. It is represented that long term investment yields for the Plan, as of August 20, 1987, average 6% before payment of commissions. The trustees anticipate a higher rate will be paid by the VEBA to the Plan on the Refinanced Loan.

It is represented that the proposed Refinanced Loan will be evidenced by a written promissory note from the VEBA, and will have the following terms: (a) An adjustable rate mortgage with an interest rate of two (2) points over the

prime rate published by the Exchange National Bank of Chicago (the Exchange Bank), to be determined initially by the independent fiduciary for the Plan and thereafter annually on the anniversary date of the Refinanced Loan; (b) equal monthly payments of principal and interest amortized over the ten (10) year term for the Refinanced Loan; (c) a fee in the amount of one percentage point of the amount of the Refinanced Loan to be paid to the Plan at closing; (d) collateral in the form of a first mortgage on the Condo with a prohibition in such first mortgage against secondary financing; and (e) standard provisions involving acceleration of the note upon default or upon sale of the Condo. The applicant represents that commercial real property financing procedures will be followed with respect to the Refinanced Loan, including the acquisition of title insurance for the benefit of the Plan, closing, disbursement, and release of the existing mortgage to be handled by the title company, and a recorded first mortgage as a perfected lien on the Condo running to the benefit of the Plan.

The Employer represents that it will guaranty in writing the full repayment of the Refinanced Loan. In the event the VEBA defaults on its obligation to the Plan, pursuant to the guaranty, the Employer will timely pay the amount necessary to cure the default. It is also represented that hazard and liability insurance covering the replacement value of the Condo will be purchased and will name the Plan as first loss payee. Further, paid receipts for such insurance premiums and certificates of insurance, receipts for paid real estate tax and Condo membership fees will be supplied to the Plan at least annually.

6. John E. Gilson (Mr. Gilson) of Vacation Properties Network-Gilster Co., located at 4086 Main Street, Fish Creek, Wisconsin, appraised the Condo on August 12, 1987, at $119,500. In addition, Mr. Gilson estimated that were the Condo to be sold with its furnishings the appraised value would increase to $127,000 which would account for a market value on the furnishings of approximately $7,500. It is represented that the appraisal will be updated before the Plan invests in the Refinanced Loan.

7. Richard Golden (Mr. Golden) has agreed to serve as the independent fiduciary for the purpose of determining the suitability of the proposed transactions for the Plan. With respect to acting as independent fiduciary for the Plan, Mr. Golden represents that he has obtained advice as to his fiduciary responsibilities and duties under the Act from a legal counsel who does not represent Mr. Kaplan, the Plan, or the Employer, and that he has accepted these fiduciary duties and responsibilities. Mr. Golden asserts that he has negotiated and consummated real estate loans secured by residential and commercial real estate and that his experience includes negotiating the terms of currently outstanding substantial lines of credit secured by vehicles used in a business in which he is a principal shareholder. In addition, Mr. Golden was a principal for several years in a corporation which lent money to various businesses on a secured basis.

It is represented that Mr. Golden is independent in that he is not an officer, debtor, or creditor of, and has no corporate affiliation with the Employer or the VEBA. Mr. Golden also stated that he has not received any compensation for services to the Plan, the Employer, or the VEBA, nor does he have any other pecuniary interest in the proposed transactions which would affect his best judgment as a fiduciary for the Plan.

8. After reviewing the application for exemption dated September 17, 1986, as well as all exhibits thereto, Mr. Golden has determined that: (i) The Refinanced Loan is appropriate and suitable for the Plan, (ii) the terms of the Refinanced Loan are fair market terms for similar transactions, and (iii) the Refinanced Loan is in the best interest and protective of the Plan and its participants and beneficiaries. Mr. Golden represents that he will make the same determinations immediately prior to the refinancing and will take into account all relevant facts and circumstances at the time of such refinancing.

In arriving at this conclusion, Mr. Golden has reviewed the proposed Refinanced Loan with respect to (a) the Plan's overall investment portfolio, (b) the cash flow needs of the Plan, (c) the necessity for the sale of any assets of the Plan, (d) the diversification of the Plan's assets, both before and after the refinancing, and (e) the terms of the Refinanced Loan, as such terms conform with the Plan's investment policy. Mr. Golden states that the propsoed interest rate of two points over the prime rate charged by Exchange Bank is appropriate given the type of loan, the amount of the loan, the terms of the loan, and the collateral used to secure the loan. Mr. Golden made such a determination after Patricia A. Beilat (Ms. Beilat), an officer of Affiliated Bank, an unrelated third party bank, located in Morton Grove, Illinois, reviewed the terms and provisions of the Loan on November 17, 1987. After considering current market conditions for mortgage loans on residential property, Ms. Beilat confirms that the terms and conditions of the loan represent fair market value.

9. It is represented that the refinancing is protective of the Plan and its participants and beneficiaries, as the Plan will receive adequate collateral by holding a first mortgage on the Condo and the face amount of the Refinanced Loan will not exceed the amounts described in the paragraph below.

In advance of the Plan's investment in the Refinanced Loan, Mr. Golden represents that he will ascertian that:

a. The interest rate stated on the Refinanced Loan will initially equal two percent (2%) over the prime rate charged by the Exchange Bank and will be adjusted at the end of each twelve month period on the anniversary date of the Refinanced Loan to equal two percent (2%) over the then prime rate published by the Exchange Bank;

b. The outstanding balance of the Refinanced Loan plus the sum of the then outstanding balances of all loans made pursuant to section 408(b)(1) of the Act from the Plan to any "party in interest," as such term is defined in ERISA section 3(14),[1] does not exceed 25% of the then fair market value of all Plan assets;

c. The fair market value of all collateral for the Refinanced Loan is and at all times will remain at least 150% of the unpaid balance of the Refinanced Loan;

d. Either additional collateral for the Refinanced Loan from the VEBA and/or the Employer will be made available or immediate payment of the Refinanced Loan will be due in full, if the fair market value of all collateral drops below 150% of the unpaid balance of the Refinanced Loan;

e. The Plan retains counsel independent of the Employer and the VEBA to review all loan documents before closing, including the title insurance commitment, note, mortgage, closing statement, insurance certificates, and all other loan documents; and

f. The first mortgage on the Refinanced Loan is duly recorded as a perfected first lien on the Condo.

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[1] As of December 31, 1986, the financial documents of the Plan indicate a loan in the amount of $42,878.18 is outstanding to Mr. Kaplan. It is represented that such loan meets the requirements for participant loans, pursuant to section 408(b)(1) of the Act and section 4975(d)(1) of the Code. The Department expresses no opinion as to whether the outstanding loan to Mr. Kaplan satisfy the conditions set forth in section 408(b)(1) of the Act and section 4975(d)(1).

10. Mr. Golden will monitor and enforce the Plan's rights with respect to the terms of the Refinanced Loan, institute collection proceedings on the Refinanced Loan, and/or enforce the Plan's rights against the guarantor. Further, he will monitor the value of the Plan's assets to insure the unpaid amount of the Refinanced Loan, plus the outstanding balances of loans to other parties in interest, never exceeds 25% of the assets of the Plan and the collateral pledged is equal to or greater than 150% of the unpaid balance of the Refinanced Loan. Finally, Mr. Golden, accepts the responsibility to enforce the terms of the Refinanced Loan between the VEBA and the Plan. He will make demands for timely payment, bring suit, or take any other appropriate process against the VEBA, any guarantor, or the Employer, and will direct that accurate records are kept regarding the Refinanced Loan.

11. In summary, the applicant represents that the proposed Refinanced Loan satisfies the statutory criteria of section 408(a) of the Act because: (a) Mr. Golden, as independent fiduciary, has determined that the terms of the Refinanced Loan are commensurate with current fair market terms for similar loans negotiated at arm's-length with unrelated parties; (b) the Refinanced Loan will be secured by collateral with a value determined by an independent appraisal of at least 150% of the outstanding principal balance of the Refinanced Loan; (c) the payments on the Refinanced Loan will be monitored by the independent fiduciary who will take necessary and appropriate steps to protect the Plan's interests during the duration of the Refinanced Loan; and (d) the outstanding balance of the Refinanced Loan, plus the sum of the outstanding balances of all other loans by the Plan to parties in interest, will not exceed 25% of the fair market value of the assets of the Plan.

For Further Information Contact: Angelena C. Le Blanc of the Department, telephone (202) 523-8883. (This is not a toll-free number.)

The Boldt Holding Corporation Master Trust (Master Trust) The Boldt Holding Corporation Plan #1 Located in Appleton, WI

[Application Nos. D-7206 and D-7211]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the proposed loan (the Loan) from the Master Trust to Valley Medical Building Association Limited Partnership (Valley Medical), a party in interest with respect to one of several employee benefit plans whose assets are invested in the Master Trust; provided that the terms of such Loan are at least as favorable to the Master Trust as are those negotiated at arm's length with unrelated parties for similar transactions.

Temporary Nature of Exemption

The proposed exemption is temporary and, if granted will expire within three (3) years after the inception of the Loan, unless the independent fiduciary extends the term of the Loan for one renewal period of three (3) years. Should the applicants wish to extend the term of the Loan beyond that described in this exemption, the applicants must submit another application for exemption relief.

Summary of Facts and Representations

1. The Boldt Group Inc. (Group Inc.), a Wisconsin corporation, is the parent entity of four (4) wholly owned subsidiaries (the Subsidiaries). The Subsidiaries are the W.S. Patterson Company (Patterson Co.), the Boldt Development Company (Development Co.), the Oscar J. Boldt Construction Company (Construction Co.), and the Paper Valley Corporation, Inc. (Paper Corp). The shares of Group Inc. are owned equally by Charles Boldt, Thomas Boldt, and Margaret Boldt Anderson.

2. Group Inc. sponsors two plans, the Boldt Holding Corporation Pension Plan (Boldt Pension) for one participant and the Boldt Holding Corporation Salaried Profit Sharing Plan (Boldt P/S) for two participants. As of February 1987, Boldt Pension and Boldt P/S have assets of approximately $356,256 and $63,703, respectively. Patterson Co., Development Co., and Construction Co. sponor, respectively, the W.S. Patterson Company Salaried Profit-Sharing Plan (Patterson P/S) for 48 participants, the Boldt Development Company Salaried Profit-Sharing Plan (Development P/S) for two (2) participants, and the Oscar J. Boldt Construction Company Salaried Profit Sharing Plan (Construction P/S) for 108 participants. Patterson P/S, Development P/S, and Construction P/S, respectively, as of February 1987, had assets of approximately $976,157, $13,131, and $9,218,094.

The trustees (the Trustees) with respect to all of the plans (the Plans), with the exception of the Boldt Pension, are Carol Westphal and James Zeller, who also are employees of Construction Co. and Patterson Co., respectively. The trustee of the Boldt Pension is Louis A. Mayer, III of Emjay Corporation, Milwaukee, Wisconsin. A separate committee handles the administration for each of the Plans.

3. As of February 28, 1987, Boldt Pension, Boldt P/S, Patterson P/S, Development P/S, and Construction P/S had invested in the Master Trust the following approximate amounts, $202,645, $30,013, $853,145, $5,287, and $7,724,779, respectively, which constituted approximately 2.3%, .3%, 9.8%, .06%, and 88.7%, respectively, of the net assets of the Master Trust.[2] As of the same date, the Master Trust had net assets of approximately $8,702,000. The Master Trust invested primarily in money market accounts, mortgage loans, common stocks, corporate obligations, government and agency obligations, cash, and real estate. The Master Trust employs four investment managers to manage its assets.

4. The proposed transaction is the Loan in the amount of $1.8 million from the Master Trust to Valley Medical, a Wisconsin limited partnership. The general partners of Valley Medical with an .8% interest each are Valley Health Facility Inc. and Paper Corp, one of the Subsidiaries of Group Inc. The limited partner, Construction Co., owns a 98.4% limited partnership interest in Valley Medical. Some of the proceeds of the Loan from the Master Trust will be used by Valley Medical to repay Construction Co. for two existing unsecured demand notes made July 24, 1985, and December 30, 1986, in the amounts of $1,404,725 and $20,000, respectively, at an interest rate of prime plus ½%.

The Loan will bear interest at a fixed rate of 10½% per annum and will be payable in 36 equal monthly installments of principal and interest based on a fifteen (15) year amortization schedule. The provisions of the Loan

[2] The applicants represent that, effective March 1, 1985, Construction P/S transferred the majority of its assets to the Master Trust. Included in the transfer was a lease (the Lease) by Construction Co. of land and an office building located on Badger Avenue in Appleton, Wisconsin. The Lease was the subject of a previously granted exemption. See Prohibited Transaction Exemption 79-51 (44 FR 54795, September 21, 1979; proposed at 44 FR 44285, July 27, 1979) for a complete description of the facts and circumstances surrounding the Lease. The applicants represent that Construction Co. no longer occupies the land and the office building and that unrelated third parties currently rent the land and office building.

include a balloon payment at the end of the initial three (3) year term of the Loan or at the conclusion of any renewal period of the Loan. The Loan, when made, will constitute 20.6% of the assets of the Master Trust.[3] The Trustees maintain that the Loan would be in the best interest of the Plans participating in the Master Trust.

The Loan will be secured by three types of collateral: (a) A first mortgage in favor of the Master Trust on a building (the Building) owned by Valley Medical; (b) the assignment of rents from the Building to the Master Trust; and (c) a letter of commitment (the Commitment Letter) in which Valley Bank, Appleton, Wisconsin (Valley Bank) agrees to lend Valley Medical up to $1.8 million for the purpose of repaying the Loan from the Master Trust. Valley Bank is a subsidiary of Valley Bancorporation (Bancorp), a bank holding company registered in Wisconsin since 1963. Bancorp also wholly owns Valley Trust Company, one of four investment managers for the Master Trust. It is represented that Valley Bank is unrelated to Valley Medical.

5. The Building which will serve as part of the collateral for the Loan is a three story office building constructed in 1984, by Construction Co. for Valley Medical at a cost of approximately $2,337,702. Located at 820 Grant Street, Appleton, Wisconsin, the Building is situated on a parcel (the Parcel) of real property adjacent to the Appleton Medical Center (Med Center), a non-profit charitable hospital, and is connected to the Med Center by an overhead walkway.

Med Center owns the Parcel underlying the Building and rents it to Valley Medical, pursuant to a ground lease entered on June 12, 1984. The provisions of the ground lease include a thirty (30) year term and three options for renewal of ten (10) years each. Aid Association for Lutherans (Aid) holds a blanket mortgage from Med Center, in the amount of $3,456,000 on the Parcel which underlies the Building and on all other real estate and improvements which make up the Med Center hospital complex. As a provision in the subordination of a mortgage agreement, Aid has agreed that the existing blanket mortgage to Aid on the Parcel underlying the Building shall be subordinate to the first mortgage interest in the Building which will secure the Loan by the Master Trust to Valley Medical.

At the time the application was filed, the third floor of the Building was unfinished, and Construction Co. was under contract with Valley Medical to complete the construction. It is represented that Construction Co. will waive all lien rights for both real and personal property related to the Building to the extent the exemption for the Loan is granted.

6. As additional security for the Loan, the applicants propose to assign to the Master Trust the right, upon default of the Loan, to receive directly from the tenants the rentals on the Building. The tenants who together rent 100% of the Building are Appleton Cardiology Associates, Appleton Heart Surgeons, the Med Center, Jeffrey R. Whiteside, M.D., S.C., Kevin C. Garrett, M.D., S.C., and Maria T. Aristigueta, M.D., S.C., all of which are unrelated third parties with respect to the Plans participating in the Master Trust.

7. The applicants propose as the third form of collateral for the Loan, a Commitment Letter to the Master Trust. The Commitment Letter has an initial term of three (3) years. The Commitment Letter states that upon notification in writing from the Master Trust in the event of default on the Loan or at least thirty (30) days prior to the end of the initial three (3) year term of the Loan, Valley Bank will, within thirty (30) days after receipt of such notice, lend to Valley Medical up to but not more than $1.8 million. It is represented that the proceeds from the $1.8 million will be used for the purpose of repaying the unpaid principal and interest on the Loan from the Master Trust to Valley Medical.

Under the terms of the Commitment Letter, Valley Medical authorizes Valley Bank to make payment of the amount due on the Loan directly to the Master Trust on behalf of Valley Medical. Upon repayment in full of the Loan amount, the Master Trust has agreed to release its first mortgage on the Building, security agreements, and assignments of leases and rents.

Valley Bank, as of June 30, 1987, had total assets of $256 million and capital of $185 million. Of those assets, Valley Bank currently has outstanding loans or lines of credit to Construction Co., Patterson Co., Development Co., and Paper Corp. in the amounts of $8 million, $2 million, $800,000, and $227,893, respectively. The amount extended on the line of credit with Construction Co. as of August 1987, was $1,030,967, while the line of credit with Patterson Co. was not in use, as of August 31, 1987. It is represented that loan amounts or liens of credit in excess of Valley Bank's limits will be shared among affiliate banks of Bancorp which, as of March 31, 1987, had $1.23 billion in outstanding loans and assets in excess of $2 billion.

8. John Pfefferle (Mr. Pfefferle), president of Appraisal Associates, Inc., which is located at 500 W. Franklin Street, Appleton, Wisconsin, appraised the Parcel and the Building, as of January 29, 1987, at $2,500,000. Because auxiliary offsite parking is available to the Parcel, Mr. Pfefferle concluded that the appropriate unit value of $4.00 per square foot multiplied by the total land area (26,153 square feet) for the Parcel indicates a fair market value of $105,000 for the Parcel alone. Mr. Pfefferle also noted that while Valley Medical leases, but does not own the Parcel, the appraisal takes into account the value of the long term lease on the site and the subordination of the blanket mortgage to Aid. Because the third floor of the Building was unfinished at the time of the appraisal, Mr. Pfefferle stated that his appraisal is conditioned on the completion of construction on the third floor at the estimated cost of $200,000.

Mr. Pfefferle represents that the fair market rental for the space in the Building is $12.50 per square foot, as of January 29, 1987. According to Mr. Pfefferle, all of the space in the Building was, as of Janaury 29, 1987, leased at that rate. In addition, the existing leases provide that any operating expense in excess of $3.50 per square foot is the responsibility of the tenant.

9. The Marine Trust Company, N.A. (Marine Trust) located at 200 College Avenue, Appleton, Wisconsin, has agreed to act as independent fiduciary with complete and sole authority and responsibility with respect to the custody, supervision, enforcement, and monitoring of compliance with the terms of the Loan.

The Marine Trust represents that it is qualified to serve as independent fiduciary for the Master Trust. Since 1930, Marine Trust has provided trust services to its customers, and as of August 24, 1987, its Appleton office administers $350 million in accounts of which approximately $120 million consist of assets attributable to employee benefit plans.

[3] The applicants represent that included in the assets of the Master Trust is a loan with Mr. and Mrs. Popp (the Popps) originally in the amount of $380,000. The loan to the Popps was the subject of a previously granted exemption. See Prohibited Transaction Exemption 83-77 (48 FR 18952, April 26, 1983; proposed at 48 FR 9392, March 4, 1983) for a complete description of the facts and circumstances surrounding the loan. It is represented that the outstanding amount on the loan to the Popps as of December 28, 1987, is $293,000 which constitutes 3.3% of the assets of the Master Trust. Therefore, the applicants represent that the total of the subject Loan and the amount outstanding on the loan to the Popps together constitute approximately 23.9% of the assets of the Master Trust.

It is represented that Marine Trust has no relationship with any of the parties to the transaction, including Group, Inc. or its Subsidiaries, and Valley Medical or its partners. Further, less than one percent (1%) of the assets of its affiliate, Marine Bank Appleton, N.A., is involved in outstanding loan obligations with the indirect owners of Valley Medical.

The duties of Marine Trust, as independent fiduciary with respect to the Loan, will include but are not limited to:

(1) Investing payments collected from the Loan in a short term money market fund while such payments are awaiting transfer to the Master Trust;

(2) Verifying that insurance is in force on the Building;

(3) Verifying payment of real estate taxes;

(4) Performing an annual drive-by inspection of the Building;

(5) Arranging for an appraisal of the Building every three years;

(6) Providing periodic statements of account on the Loan to the Master Trust, as often as monthly, but not less frequently than annually;

(7) Retaining legal counsel or an abstract company to record all relevant documents; and

(8) Enforcing the terms of the Commitment Letter at maturity or upon default on the Loan. In this regard, Marine Trust will have authority upon default on the Loan, at the expiration of the initial three (3) year term of the Loan, or at the expiration of one three (3) year renewal period, to call the Loan and receive payment of the outstanding principal and interest on the Loan from the Valley Bank.

Marine Trust represents that the terms of the Loan are similar to those negotiated in arm's length transactions between unrelated parties. Pursuant to an examination of the terms of the Loan and related documents and after a review of the financial statement of the Master Trust, Marine Trust has determined that the proposed Loan to Valley Medical is consistent with the cash flow and liquidity requirements of the Master Trust and as such would be in the overall best interest of the Plans participating in the Master Trust. In the opinion of Marine Trust, the portfolio of the Master Trust is weighted too heavily toward equity securities and the addition of the Loan to the portfolios holdings will increase the representation in fixed income securities.

Marine Trust states that the investment in the Loan is well protected. The real estate that secures the Loan is valued at $2.5 million and additional protection is provided in the form of the assignment of the rents on the Building. The projected analysis supplied by Marine Trust estimates a total present value of rents for the first three years of the Loan at $869,945. Marine Trust represents that while the Loan is adequately secured by the Building and assignment of rents, the most important protection for the Master Trust is the additional security of the Commitment Letter. According to Marine Trust, the Commitment Letter provides an unconditional commitment by Valley Bank to lend up to $1.8 million to Valley Medical and provides a means to transform the Loan to cash for the Master Trust upon any event of default or upon maturity of the Loan.

It is represented that Marine Trust has authority to renew the Loan for an additional three (3) year period provided that:

(a) The extension of the Loan does not exceed one additional period of three (3) years and that no further extensions will be authorized;

(b) No default has occurred during the initial three (3) year term either with respect to the required payments on the Loan or with respect to any of the other obligations of Valley Medical associated with the terms of the Loan, pursuant to the mortgage note, mortgage, mortgage loan agreement, or assignment of rents;

(c) The payments of principal and interest will continue in accordance with the Loan which was based upon an amortization over a period of fifteen (15) years with a balloon payment of the outstanding amount of the Loan at the conclusion of the renewal period;

(d) All security agreements and loan agreements remain in force for the extended term of the Loan;

(e) A new appraisal by an independent qualified appraiser of the Building is obtained;

(f) The fair market value of the rents on the Building is redetermined;

(g) The total annual rental income from the Building is at least as high as the 1987 calendar year rentals in the amount of $292,000;

(h) The appraised value of the Building and the fair market value of the rents for this Building represent at least 150% of the outstanding amount of the Loan as of the commencement of the extended term;

(i) The subordination of the Aid blanket mortgage to the Loan is continued for the extended term;

(j) Valley Medical maintains a cash reserve in the amount of at least $50,000 at all times during the extended term, and the general and limited partners of Valley Medical agree to be jointly and severally liable to supply Valley Medical with sufficient cash to insure a $50,000 minimum cash reserve is maintained;

(k) The outstanding amount of the Loan does not exceed twenty-five percent (25%) of the assets of the Master Trust;

(l) A review of the potential distribution to participants is completed and a determination is made that the liquidity of the assets of the Master Trust is sufficient to meet such potential distributions during the extended term of the Loan;

(m) The interest rate on the Loan for the extended term equals at least two percentage points above the average interest rate for a three year U.S. Treasury Note, as determined during the six (6) months previous to the commencement of the extended term of the Loan; provided that the interest rate determined by such formula must be at least equal to the fair market value interest rate based upon the circumstances at the time of any renewal of the Loan;

(n) Valley Bank issues an unconditional letter of commitment or extends the existing Commitment Letter to cover the renewal period; and

(o) After an overall review of the terms for the extension and all other relevant factors, Marine Trust is able to make the same representations with respect to the extension as it made with respect to the initial Loan. Marine Trust reserves the right not to approve the extension of the Loan, even though all of the foregoing requirements may be satisfied.

10. In summary, the applicants represent that the proposed transaction will satisfy the statutory criteria of section 408(a) of the Act because:

(a) The Loan will account for less than twenty-five percent (25%) of the assets of the Master Trust;

(b) Marine Trust, the independent fiduciary, has reviewed the terms of the Loan and has determined that the transaction is in the best interest and protective of the Plans participating in the Master Trust;

(c) Marine Trust will monitor and enforce the terms of the Loan, the assignments of rents, and the Commitment Letter;

(d) Marine Trust has determined that the Loan is in keeping with the cash flow and liquidity requirements of the Master Trust;

(e) Marine Trust has determined that the value of the Building which serves as collateral for the Loan and the fair market value of the rents for the Building together exceed 150% of the Loan amount; and

(f) Marine Trust has determined that the Commitment Letter provides an unconditional means to transform the Loan into cash for the Master Trust upon an event of default or upon maturity of the Loan.

For Further Information Contact: Angelena C. Le Blanc of the Department, telephone (202) 523–8883. (This is not a toll-free number.)

Concho Construction Company, Inc. Profit Sharing Plan (the Plan) Located in Garland, Texas

[Application No. D–7308]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975 of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the proposed cash sale by the Plan to certain improved real property to the Concho Construction Company, Inc. (the Employer), the sponsor of the Plan; provided that such sale is on terms no less favorable to the Plan than those which the Plan could obtain in arm's-length transaction with an unrelated party.

Summary of Facts and Representations

1. The Plan is a defined contribution pension plan which was terminated effective November 1, 1985, at which time there were twenty eight Plan participants. The Employer is a closely-held Texas corporation engaged in general construction services and located in Garland, Texas. The Plan participants include employees of an affiliate of the Employer, the Concho Equipment Company. The Plan assets, which are in the process of liquidation and distribution, had a total fair market value of $2,771,800 as of Decembver 31, 1986. The Dallas, Texas office of the Internal Reserve Service (the Service) issued a favorable determination letter on December 4, 1986, with respect to the Plan termination. The Plan's trustee is the First City Bank of Dallas (the Trustee), which exercises full control over the investment and disposition of Plan assets.

2. Among the remaining assets of the Plan is a 2.51 acre parcel of commercially-zoned real property (the Property) located at 196 International in Garland, Texas. The Property is improved with a small office building, a metal storage building and a small repair-shop building. The Plan acquired the Property in 1961 for approximately $47,000 and commenced leasing it to the Employer in November, 1961 under a net lease (the Lease) under which the Employer bears all expenses of maintenance, taxes and improvements. The Employer represents that the Lease was exempt until June 30, 1984 from the prohibitions of section 406 of the Act by virtue of section 414(c)(2) of the Act.[4] The Employer represents that it has paid the applicable excise taxes imposed by section 4975(a) of the Code since June 10, 1984. The Trustee represents that the rentals paid by the Employer under the Lease have been and remain no less than the Property's fair market value.

3. In order to complete the liquidation and distribution of the Plan's assets and to terminate the ongoing prohibited transaction which the Lease constitutes, the Trustee seeks to divest the Plan of the Proeprty. The Trustee and the Employer are proposing that the Employer purchase the Property from the Plan and are requesting an exemption to permit such transaction. The Employer will pay the Plan cash for the Property in the amount of the Property's fair market value as of the date of the sale. The Property was appraised as of July 13, 1987 by Ronald R. Payne, SRPA (Payne), an independent professional real estate appraiser in Garland, Texas who represents that as of that date the Property, including improvements, had a fair market value of $380,000. Payne's appraisal will be updated as of the date of the proposed sale to reflect any increase in the Property's value since July 13, 1987 and the purchase price paid for the Property by the Employer will be in accordance with such update but in no event less than $380,000. The Plan will pay no commissions or other costs or expenses related to the proposed sale. The Employer represents that it will continue to pay to the Plan rentals of no less than the Property's fair market rental value as determined by the Trustee through the sale date and that it will continue to pay applicable excise taxes for the continuation of the Lease until its termination on the sale date.

4. The Trustee, which represents itself to be independent of the Employer, maintains that it has closely and thoroughly reviewed the proposed transaction and all its terms and that it has determined that the proposed sale transaction will be in the best interests and protective of the participants and beneficiaries of the Plan. The Trustee represents that a sale of the Property to an unrelated party could not be accomplished expeditiously, due to the depressed condition of the real estate market in which the Property is situated. The Trustee further represents that the Employer constitutes the only likely cash buyer of the Property for its full appraised fair market value, as the Proeprty's improvements are useful to the Employer and not really adaptable to other uses.

5. In summary, the applicants represent that the proposed transaction satisfies the criteria of section 408(a) of the Act for the following reasons: (1) The proposed transaction will enable the Trustee to proceed with distribution of the assets of the Plan, which is terminated; (2) The Plan will receive cash for the Property in an amount no less than its appraised fair market value as of the sale date; (3) The Plan will incur no costs or expenses related to the proposed transaction; and (4) The Trustee represents that the proposed transaction will be in the best interests and protective of the Plan's participants and beneficiaries and that the proposed terms are more favorable to the Plan than the Plan could obtain in an arm's-length transaction with an unrelated party.

FOR FURTHER INFORMATION CONTACT: Ronald Willett of the Department, telephone (202) 523–8883. (This is not a toll-free number.)

Nabors Chevrolet-Toyota, Inc. Employees Retirement Plan (the Plan) Located in Clarksdale, MI

[Application No. D–7322]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a) and 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the proposed sale for cash of a certain parcel of improved real property (the Property) by the Plan to Nabors Chevrolet-Toyota, Inc. (the Employer), a party in interest with respect to the Plan; provided that the sales price is the greater of $249,250 or the fair market

[4] The Department expresses no opinion as to whether the Lease was exempt from the prohibitations of section 406 of the Act by virtue of section 414(c)(2) of the Act.

value of the Property on the date of the sale.

Summary of Facts and Representations

1. On January 1, 1963, the Plan was established by Owen Chevrolet Company (the Owen Co.), an automobile dealership located at 621 De Soto Avenue, Clarksdale, Mississippi. On January 2, 1965, the Owen Co. sold the Property to the Plan. It is represented that the fair market value on the land underlying the Property was used to determine the sales price of the land on that date and that the improvements on the Property were sold to the Plan at the actual cost of construction. After the Plan acquired the Property in 1965, the Owen Co. entered into a lease (the Lease) of the Property with the Plan, for a term of five (5) years at a net rental rate of $24,000 per year. Subsequently, on October 6, 1982, the Owen Co. sold its interest in the automobile dealership to the Employer who then became the sponsor of the Plan. At that time, the Lease of the Property was continued between the Plan and the Employer.[5]

2. The Plan, a money purchase pension plan, currently has approximately 43 participants. As of December 31, 1986, the net assets of the Plan totaled $931,837. The trustee for the Plan is Grady Nabors who is the president and 100% shareholder of the Employer and is also a participant in the Plan.

3. The Property, located on the northwest corner of De Soto Avenue and Seventh Street and on the northeast corner of LeFlore Avenue and Seventh Street, is level, has access to public utilities, and is divided by a small alley. The frontage for hte Property facing De Soto Avenue is 310 feet wide and 205 feet deep and consists of six (6) lots. The frontage for the Property facing LeFlore Avenue is 160 feet wide and 205 feet deep and consists of three lots.

The improvements of the Property located on De Soto Avenue include a twenty year old brick and metal building of 25,437 square feet which is occupied as the showroom, offices, parts department, and shop. A large metal building of 7,000 square feet used as an automobile body shop (the Body Shop) is located on LeFlore Avenue.

The Property is located in two different zoning districts. The part of the Property facing De Soto Avenue is zoned for general commercial use; while the part of the Property facing LeFlore Avenue is zoned for multi-family residences. It is represented that since the Body Shop lcoated on LeFlore Avenue was erected twelve (12) years ago before the effective date of the residential zoning restriction, the Body Shop is in compliance with such regulation.

The value of the Property currently constitutes 26.75% of the assets of the Plan.

4. The Employer proposes to purchase the Property from the Plan for the greater of cash in the amount of $249,250 or the fair market value of the Property on the date of the sale. The Employer wishes to purchase the Property in order to terminate the prohibited Lease between the Employer and the Plan. The Plan will incur no fees, commissions, or other costs as a result of the sale of the Property to the Employer. It is represented that economic conditions in the vicinity of the Property are depressed, such that there is no unrelated third party willing to purchase the Property from the Plan. By selling the Property to the Employer, it is represented that the Plan will benefit by the receipt of cash for an illiquid real estate investment. The trustee for the Plan states that the proceeds from the sale of the Property will be used to diversify the investments of the Plan.

5. Mr. R.D. Peay, III (Mr. Peay), real estate appraiser with R.D. Peay & Son in Clarksdale, Mississippi, valued the Property on June 25, 1984. Mr. Peay revised his appraisal of the Property on May 19, 1987, to reflect more current values of property in the area. Mr. Peay states that there has been a loss in the value of the Property during the period 1984 to 1987 due to the "soft" real estate market in the Clarksdale community and to general economic conditions in that area. As of May 19, 1987, Mr. Peay has determined that the fair market value of the Property was $249,250.[6]

Mr. Peay states that he is qualified to appraise the Property, as he has twenty-four (24) years experience in selling, financing, managing, developing, and appraising urban, rural, commercial, and residential real estate. Mr. Peay represents his independence from the subject transaction in that he has no present or contemplated future interest in the Property and has no personal interest or bias with respect to the subject matter or the parties involved in this transaction. Further, Mr. Peay certifies that neither his employment nor his fee is contingent on the value of the Property appraised.

6. In summary, the applicants represent that the proposed transaction satisfies the criteria for exemption under section 408(a) of the Act and section 4975(c)(2) of the Code because:

(a) The sale of the Property will be a one time transaction for cash;

(b) The Plan will sell the Property at the fair market value as determined by a qualified independent appraiser;

(c) The sale will terminate a prohibited Lease between the Plan and the Employer;

(d) No fees, commissions, or other costs will be incurred by the Plan as a result of the sale; and

(e) Plan will use the proceeds from the sale to diversify the Plan's investment portfolio.

For Further Information Contact: Angelena C. Le Blanc of the Department, telephone (202) 523–8883. (This is not a toll-free number.)

Harry R. Shaw, D.D.S. Profit Sharing Plan (the Plan) Located in Owings Mills, Maryland

[Application No. D–7420]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the proposed cash sale by the Plan of a computer system to Dr. Harry R. Shaw (Dr. Shaw), a party in interest with respect to the Plan, provided that the terms of the transaction are no less favorable to the Plan than those available in an arm's-length transaction with an unrelated party at the time the transaction is consummated.

[5] The applicants represent that the Lease between the Plan and the Employer was exempt from the prohibited transaction provisions of the Act because the Lease was entered into before July 1, 1974, the date specified in the Act. Therefore, the applicants maintain that the Lease was covered by the statutory exemption provided by section 414(c)(2) of the Act until June 30, 1984. The Department, herein, expresses no opinion as to whether the Lease met the requirements of section 414(c)(2) of the Act. The applicants represent that within 60 days of the date of the grant of this proposed exemption, they will file Form 5330 with the Internal Revenue Service, and will pay any applicable excise tax due on the Lease of the Property by the Employer after June 30, 1984. In addition, the applicants will pay to the Plan an amount equal to any difference between the fair market rental value on the Property for the period June 30, 1984 to the date of the sale proposed herein and the sum actually paid to the Plan by the Employer, plus interest thereon.

[6] The Department is expressing no opinion herein as to whether the continued holding of the Property by the Plan constituted a violation of any of the fiduciary responsibility provisions of Part 4 Subtitle B. of Title I of the Act.

Summary of Facts and Representations

1. The Plan is a profit sharing plan with 2 participants. Dr. Shaw is the trustee of the Plan.

2. On October 21, 1987, the Plan invested $10,000 in a 10 year certificate of deposit paying interest of 8% per annum with the John Hanson Saving Bank (the Bank).

As an incentive to open the account the Bank offered as a gift a MacIntosh Plus computer with Imagewriter II (Computer System). Dr. Shaw represents that no other gift options were available to the Plan based on the amount invested. The fair market value of the Computer System as determined by the Bank is $2,204.90 (amount to be reflected on Form 1099 to the Plan).

3. Dr. Shaw represents that the Plan has no use for the Computer System and he has offered to purchase it from the Plan for $2,204.90 in cash.

4. In summary, the applicant represents that the proposed transaction meets the statutory criteria for an exemption under section 408(a) of the Act because:

(a) The proposed sale will be a one-time transaction for cash; and

(b) The Plan will receive the fair market value for the Computer System.

For Further Information Contact: Alan H. Levitas of the Department, telephone (202 523–8194. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section 408(a) of the Act and/or section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of partipants and beneficiaries of the plan; and

(3) The proposed exemptions, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(4) The proposed exemptions, if granted, will be subject to the express condition that the material facts and representations contained in each application are true and complete, and that each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, DC, this 2nd day of March 1988.

Robery J. Doyle,

Acting Associate Director, Regulations and Interpretations, Pension and Welfare Benefits Administration U.S. Department of Labor.

[FR Doc. 88–4974 Filed 3–7–88 8:45 am]

BILLING CODE 4510-29-M

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Records Schedules; Availability and Request for Comments

AGENCY: National Archives and Records Administration, Office of Records Administration.

ACTION: Notice of availability of proposed records schedules; request for comment.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Records schedules identify records of sufficient value of warrant preservation in the National Archives of the United States. Schedules also authorize agencies after a specified period to dispose of records lacking administrative, legal, research, or other value. Notice is published for records schedules that (1) propose the destruction of records not previously authorized for disposal, or (2) reduce the retention period for records already authorized for disposal. NARA invites public comments on such schedules, as required by 44 U.S.C. 3303a(a).

DATE: Requests for copies must be received in writing on or before April 22, 1988. Once the appraisal of the records is completed, NARA will send a copy of the schedule. The requester will be given 30 days to submit comments.

ADDRESS: Address requests for single copies of schedules identified in this notice to the Records Appraisal and Disposition Division (NIR), National Archives and Records Administration, Washington, DC 20408. Requesters must cite the control number assigned to each schedule when requesting a copy. The control number appears in parentheses immediately after the name of the requesting agency.

SUPPLEMENTARY INFORMATION: Each year U.S. Government agencies create billions of records on paper, film, magnetic tape, and other media. In order to control this accumulation, agency records managers prepare records schedules specifying when the agency no longer needs the records and what happens to the records after this period. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. These comprehensive schedules provide for the eventual transfer to the National Archives of historically valuable records and authorize the disposal of all other records. Most schedules, however, cover records of only one office or program or a few series of records, and many are updates of previously approved schedules. Such schedules also may include records that are designated for permanent retention.

Destruction of records requires the approval of the Archivist of the United States. This approval is granted after a thorough study of the records that takes into account their administrative use by the agency of origin, the rights and interests of the Government and of private persons directly affected by the Government's activities, and historical or other value.

This public notice identifies the Federal agencies and their subdivisions requesting disposition authority, includes the control number assigned to each schedule, and briefly describes the records proposed for disposal. The records schedule contains additional information about the records and their disposition. Further information about the disposition process will be furnished to each requester.

Schedules Pending

1. *Department of the Army (N1–338–87–1).* Records of the U.S. Army Refugee Reception Center, Camp Kilmer, relating to routine administrative and/or housekeeping matters (schedule provides for permanent retention of

records relating to significant policies and programs).

2. *Department of the Army (N1–338–87–2).* Records of Army Bases relating to routine administrative and/or housekeeping matters (schedule provides for permanent retention of records relating to significant policies and programs).

3. *Department of the Army (N1–338–87–3).* Records of Army Agencies relating to routine administrative and/or housekeeping matters (schedule provides for permanent retention of records relating to significant policies and programs).

4. *Department of the Army (N1–338–87–6).* Records of the U.S. Army Inter-American Geodetic Survey relating to routine administrative and/or housekeeping matters (schedule provides for permanent retention of records relating to significant policies and programs).

5. *Department of the Army (N1–338–87–8).* Records of the U.S. Army Armed Forces Institute relating to administrative and/or housekeeping matters (schedule provides for permanent retention of records relating to significant policies and programs).

6. *Department of the Army (N1–338–87–3).* Records of Army cemeterial organizations relating to routine administrative and/or housekeeping matters (schedule provides for permanent retention of records relating to significant policies and programs).

7. *Department of Agriculture, Forest Service, Forest Pest Management Staff (N1–95–87–20).* Standard replies to routine inquiries and forms reporting the number of employees trained or certified in pesticide use.

8. *Federal Deposit Insurance Corporation, Legal Division (N1–34–88–1).* Records created in the course of providing assistance to ailing open banks and conducting litigation.

9. *Federal Deposit Insurance Corporation, Division of Accounting and Corporate Services (N1–34–88–2).* Call delinquent files, bank structure source documents.

10. *International Boundary and Water Commission, United States and Mexico, United States Section (N1–76–88–2).* Aerial mosaic files.

11. *Department of Justice, Federal Bureau of Investigation (N1–65–88–2).* Visa Applicant Correspondence Files.

12. *Department of Justice, Civil Division, Foreign Litigation Section (N1–131–88–1).* Office of Alien Property accounting records and card indices to case files and correspondence files previously appraised as disposable.

13. *National Archives and Records Administration, Office of Records Administration, Records Appraisal and Disposition Division (N1–GRS–88–4).* Reduction in retention period for position descriptions in General Records Schedule 1, Civilian Personnel Records.

Dated: March 2, 1988.

Don W. Wilson,

Archivist of the United States.

[FR Doc. 88–4983 Filed 3–7–88; 8:45 am]

BILLING CODE 7515–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 40–3453]

Atlas Minerals, Division of Atlas Corp.; Final Finding of No Significant Impact Regarding the Renewal of Source and Byproduct Material License SUA–917 for Operation of Atlas Minerals' Moab Uranium Mill Located in Grand County, UT

February 25, 1988.

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Notice of final finding of no significant impact.

(1) Proposed Action

The proposed administrative action is to renew Source and Byproduct Material License SUA–917 authorizing Atlas Minerals Corporation to continue operation of their Moab Mill located in Grand County, Utah.

(2) Reasons for Final Finding of No Significant Impact

An Environmental Assessment was prepared by the staff at the U.S. Nuclear Regulatory Commission (NRC) and issued by the Commission's Uranium Recovery Field Office, Region IV. The Environmental Assessment performed by the Commission's staff evaluated potential impacts on-site and off-site due to radiological releases which may occur during the course of the operation. Documents used in preparing the assessment included operational data from the licensee's prior milling activities, the licensee's renewal application dated May 31, 1984, additional submittals dated December 17, 1984, January 18, 1985, June 5, and December 4, 1986, January 26, 1988, and the Final Environmental Statement prepared by the Commission staff dated January 1979. Based on this assessment, the Commission has determined that no significant impact will result from the proposed action, and therefore, an Environmental Impact Statement is not warranted.

The following statements support the final Finding of No Significant Impact and summarize the conclusions resulting from the environmental assessment.

(a) The ground water monitoring program in effect at the Moab Mill is sufficient to detect releases and thereby minimize any impact on ground water.

(b) Radiological effluents from the proposed operation of the mill will be minimal and well within the regulatory limits and will be continuously monitored.

(c) Environmental monitoring is comprehensive enough to detect any significant impacts due to radiological releases from the milling operation.

(d) Radioactive wastes will be minimal and will be disposed of in the tailings impoundment which will be reclaimed in accordance with applicable Federal and state regulations.

In accordance with 10 CFR 51.33(a), the Director, Uranium Recovery Field Office, made the determination to issue a draft Finding of No Significant Impact. A draft Finding of No Significant Impact was published (FR 49802) on December 4, 1985, and no comments were received.

In accordance with 10 CFR 51.33(e), the Director, Uranium Recovery Field Office, made the determination to issue a final Finding of No Significant Impact. This finding, together with the Environmental Assessment setting forth the basis for the finding, and other related environmental documents are available for public inspection and copying at the Commission's Uranium Recovery Field Office at 730 Simms Street, Golden, Colorado, and at the Commission's Public Document Room at 1717 H Street NW., Washington, DC.

Dated at Denver, Colorado, this 19th day of February, 1988.

For the Nuclear Regulatory Commission.

Harry J. Pettengill,

Chief, Licensing Branch 2, Uranium Recovery Field Office, Region IV.

[FR Doc. 88–4985 Filed 3–7–88; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–498, LICENSE NO. NPF–71]

South Texas Project, Unit 1; Receipt of Petition for Director's Decision

Notice is hereby given that by Petition dated January 26, 1988, the Government Accountability Project requested that the Commission delay voting on a full-power operating license for the South Texas Project (STP), Unit 1 until there has been a complete investigation of all allegations regarding the STP and public release of a report disposing of each allegation. The Petition asserts as grounds for this request that: (1) The results of the NRC's limited

investigation into allegations were predetermined, in that the NRC inspection team had prepared a draft of its findings before leaving the site after its site inspection; (2) in an on-site inspection with one of the allegers, the alleger was not permitted to show the NRC team any of his allegations relating to Unit 1; (3) the NRC review was subjected to overwhelming scheduling pressures, resulting in disposition of most of the allegations without interviewing the allegers and in a failure to thoroughly address the 60 selected allegations that were the focus of the team's review; and (4) none of the allegations of wrongdoing have been investigated by the NRC. The request is being treated pursuant to 10 CFR 2.206 of the Commission's regulations. As provided by 10 CFR 2.206, appropriate action will be taken on this request within a reasonable time.

A copy of the Petition is available for inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, DC 20555.

Dated at Rockville, Maryland, this 29th day of February, 1988.

For the Nuclear Regulatory Commission.

Thomas E. Murley,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 88-4986 Filed 3-7-88; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 30-19960, License No. 37-10059-03, EA 87-175]

BP Oil, Inc., Marcus Hook, PA; Order Imposing Civil Monetary Penalties

I

BP Oil, Inc., Marcus Hook, Pennsylvania 19061 (the "licensee") is the holder of License No. 37-10059-03 (the "license") issued by the Nuclear Regulatory Commission (the "Commission" or "NRC") which authorizes the licensee to possess and use various fixed nuclear gauges. The license was issued on May 2, 1983, replacing License No. 37-10059-02, and is due to expire on April 30, 1988.

II

An NRC safety inspection of the licensee's activities under the license was conducted on July 20–22, 1987. During the inspection, the NRC staff determined that the licensee had not conducted its activities in full compliance with NRC requirements. A written Notice of Violation and Proposed Imposition of Civil Penalties was served upon the licensee by letter dated October 22, 1987. The Notice states the nature of the violations, the provisions of the Nuclear Regulatory Commission's requirements that the licensee had violated, and the civil penalty amount for each of the violations. Two responses, both dated December 17, 1987, to the Notice of Violation and Proposed Imposition of Civil Penalties, were received from the licensee.

In its responses, the licensee admits that the violations occurred but request mitigation of the proposed civil penalty. Upon consideration of the answers received, the statements of facts, explanations, and arguments for remission or mitigation of the proposed civil penalties contained therein, and as set forth in the Appendix to this Order, the Deputy Executive Director for Regional Operations has determined that the penalties proposed for the violations designated in the Notice of Violation and Proposed Imposition of Civil Penalties should be imposed.

IV

In view of the foregoing and pursuant to section 234 of the Atomic Energy Act of 1954, as amended 42 U.S.C. 2282 and 10 CFR 2.205, it is hereby ordered that:

The licensee pay cumulative civil penalties in the amount of Two Thousand Dollars ($2,000) within thirty days of the date of this Order, by check, draft, or money order, payable to the Treasurer of the United States and mailed to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555.

V

The licensee may, within thirty days of the date of this Order, request a hearing. A request for a hearing shall be clearly marked as a request for hearing and shall be addressed to the U.S. Nuclear Regulatory Commission, Document Control Desk, Washington, DC, with a copy to the Regional Administrator, U.S. Nuclear Regulatory Commission, Region I, 475 Allendale Road, King of Prussia, Pennsylvania.

If a hearing is requested, the Commission will issue an Order designating the time and place of the hearing. If the licensee fails to request a hearing within thirty days of this Order, the provisions of this Order shall be effective without further proceedings. If payment has not been made by that time, the matter may be referred to the Attorney General for collection.

In the event the licensee requests a hearing as provided above, the issue to be considered at such hearing shall be whether, the proposed civil penalty should be imposed, in whole or in part.

For The Nuclear Regulatory Commission.

James M. Taylor,

Deputy Executive Director for Regional Operations.

Dated at Bethesda, Maryland, this 1st day of March 1988.

Appendix

Evaluation and Conclusion

On October 22, 1987, a Notice of Violation and Proposed Imposition of Civil Penalties was issued for violations of a license issued to BP Oil, Inc. The licensee responded to the Notice by two letters, dated December 17, 1987, and admits the violations, but requests mitigation of the cumulative amount of the civil penalties. The NRC's evaluation and conclusion regarding the licensee's responses are as follows:

I. Restatement of Violations

A. Condition 15 of License No. 37–10059–03 requires, in part, that removal from service and relocation of non-portable devices containing sealed sources be performed only by persons specifically licensed by the NRC or and Agreement State to perform such service. Conditon 16 of License No. 37–10059–03 requires that the licensee conduct its program in accordance with the licensee's application for license dated March 28, 1983, which states, in Item IV, that the licensee will contact the nuclear gauge manufacturer to assist in removing the gauge from service and relocation.

Contrary to the above, on July 16, 1987, four Ohmart model SHLM sealed-source non-portable gauges, each containing approximately 20 millicuries of cesium-137, were removed from Acid Storage Drum No. PV–2504:

1. By persons not specifically licensed to perform this service, and

2. Without the gauge manufacturer being contacted prior to removal of the gauges from service.

This is a Severity Level III violation (Supplement IV).

Civil Penalty—$500.

B. 1. 10 CFR 20.105(b)(1) requires that radiation levels in unrestricted areas be limited so that an individual continuously present in the area could not receive a radiation dose in excess of 2 millirems in any hour. 10 CFR 20.3(a)(17) defines an unrestricted area to include any area to which access is not controlled by the licensee for the purpose of protection of individuals from exposure to radiation and radiocative materials.

Contrary to the above, on July 14–16, 1987, radiation levels existed in an unrestricted area, namely, the inside of

Acid Storage Drum No. PV–2504, such that an individual present in the area for one hour could receive a radiation dose of greater than 2 millirems.

2. 10 CFR 20.203(b) requires that each radiation area be conspicuously posted with a sign bearing the radiation caution symbol and the words, "Caution (or Danger)—Radiation Area."

Contrary to the above, on July 14–16 1987, a radiation area existed on the inside of Acid Storage Drum No. PV–2504, and the access points to the radiation area were not posted with the required caution sign.

3. 10 CFR 20.203(f) requires that each container of licensed radiocative material bear a clearly visible lable identifying the radioactive contents.

Contrary to the above, on July 20, 1987, four Ohmart nuclear gauges, each containing 20 millicuries of cesium-137, a licensed radioactive material, did not have a clearly visible lable identifying the radioactive contents. The labels has been partially obliterated by paint and/or covered with tape.

Collectively, these violations have categorized as a Severity Level III problem (Supplement IV).

Civil Penalty—$500 assessed equally among the violations.

C. Condition 16 of License No. 37–10059–03 requires that licensed material be used in accordance with the statements, representations and procedures contained in an application dated March 28, 1983 and letters dated April 15, 1983, August 14, 1986 and September 26, 1986.

1. Item 1 of the "Nuclear Radiation Gauging Device" procedure, included with the April 15, 1983 letter, requires that the nuclear gauge be locked-out prior to work being conducted in inside a vessel.

Contrary to the above, on July 14–16, 1987, approximately 27 individuals worked inside and on a vessel, Acid Storage Drum No. PV–2504, and four nuclear gauges, each containing approximately 20 millicuries of cesium-137, had not been locked-out prior to the work being conducted.

2. Item 3 of the "Nuclear Radiation Gauging Device" procedure, included with the April 15, 1983 letter, requires that a radiation survey be conducted prior to entering a vessel bearing a nuclear gauge.

Contrary to the above, on July 14–16, 1987, approximately 27 individuals worked inside and on a vessel, Acid Storage Drum No. PV–2504, without a radiation survey first being conducted.

3. Item 5 of the "Nuclear Radiation Gauging Device" procedure, included with the April 15, 1983 letter, requires that whenever nuclear gauges are removed from a vessel where they have been installed, the gauges should be transferred immediately to lead shielded containers.

Contrary to the above, on July 16, 1987, four nuclear gagues, each containing approximately 20 millicuries of cesium-137, were removed from a vessel Acid Storage Drum No. PV–2504, and as of July 20, 1987, these gauges, had not been placed in lead shielded storage containers.

Collectively these violations have been categorized as a Severity Level III problem (Supplements IV and VI).

Civil Penalty—$500 assessed equally among the violations.

D. 10 CFR 20.405(a)(1)(v) requires that each licensee make a report within 30 days of its occurrence, of levels of radiation (whether or not involving excessive exposure of an individual) in an unrestricted area in excess of ten times of any applicable limit set forth in 10 CFR Part 20.

10 CFR 20.105(b) requires that radiation levels in unrestricted areas be limited so that an individual continuously present in the area could not receive a radiation dose in excess of 2 millirems in any hour. 10 CFR 20.3(a)(17) defines an unrestricted area to include any area to which access is not controlled by the licensee for the purpose of protection of individuals from exposure to radiation and radioactive materials.

Contrary to the above, on January 19, 1983, an incident occurred in which an individual, who was not a radiation worker, entered an unrestricted area (the Surge Hopper on the Platformer Unit) for approximately 30 minutes, and the individual received a radiation exposure which was estimated by the licensee to be approximately 84 millirem. The level of radiation that existed in the area was approximately 160 millirem per hour, which is greater than ten times the limit of two millirem in an hour for an unrestricted area, as specified in 10 CFR 20.105(b)(1), and as of July 22, 1987, the licensee had not filed a written report of the occurrence with the NRC.

This is a Severity Level III violation (Supplement IV).

Civil Penalty—$500.

II. Summary of Licensee Response

The licensee, in its two responses, admits the occurrence of the violations, one of which involved an incident similar to an incident which occurred in 1983. Further, the licensee does not contest classification of the Severity Level of the violations. However, the licensee takes issue with the NRC statement, in its October 22, 1987 letter, that "mitigation [of the civil penalties] was considered inappropriate in view of the significance of this event, and the previous event in 1983" since its corrective actions were unusually prompt and extensive. Further, the licensee indicated that the 1983 event occurred, in part, because they relied on the advice of an employee of the Ohmart Corporation (the gauge manufacturer and distributor) and that incident should not be used to deny mitigation in the present case. In addition, the licensee indicated that a written report of the 1983 incident was not filed with the NRC because of advice given by an Ohmart employee.

III. NRC Evaluation of Licensee Response

It is not clear, from the licensee responses, whether the advice provided by Ohmart Corporation actually contributed to the 1983 incident (involving excessive radiation levels in an unrestricted area), or contributed to the licensee's failure to report the incident to the NRC. In any case, the advice provided by Ohmart Corporation is not relevant to whether mitigation is appropriate since it is the responsibility of the licensee to ensure that all NRC requirements, including the conditions of the license, are met.

Furthermore, even if the responsibility for the 1983 incident, and/or the failure to report it to the NRC, rested solely with Ohmart, it would not form the basis for mitigation in this case since that incident provided the licensee prior notice of a problem, yet effective corrective actions were not taken to prevent recurrence, as evidenced by the 1987 incident. Accordingly, the NRC actually considered escalating the cumulative amount of the civil penalties in accordance with Sections V.B.3 and V.B.4 of the Enforcement Policy. However, in light of the prompt and comprehensive actions taken by licensee management in response to this recent incident in July 1987, the NRC determined that, on balance, neither escalation nor mitigation of the amount of the civil penalties was considered appropriate.

IV. NRC Conclusion

The licensee did not provide a sufficient basis for mitigation of the cumulative amount of the civil penalties. Therefore, the NRC concludes that cumulative civil penalties of $2,000 should be imposed.

[FR Doc. 88–4987 Filed 3–7–88; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 999904, License No. General License EA 87-223]

Wrangler Laboratories, Larsen Laboratories, Orion Chemical Co., and John P. Larsen; Order Suspending Licenses (Effective Immediately)

I

Wrangler Laboratories, Larsen Laboratories, and Orion Chemical Company (the licensees), 3853 North Sherwood Road, Provo, Utah 84604, are firms using source material under general licenses granted by the Nuclear Regulatory Commission (the Commission/NRC) pursuant to 10 CFR 40.22. The general license granted by 10 CFR 40.22 authorizes the use or transfer of not more than 15 pounds of source material at one time and the receipt of not more than 150 pounds of source material in any one calendar year.

Larsen Laboratories is also a holder of a specific Radioactive Material License UT 2500183 issued by the State of Utah. The specific license, which authorizes possession of up to 150 kilograms of depleted uranium (DU) at one time, is currently suspended by the State of Utah.

Mr. Larsen has been doing business as (dba) Wrangler Laboratories, Larsen Laboratories, and Orion Chemical Company and is the owner and sole proprietor of these firms. Mr. Larsen's companies are all involved in the chemical processing of DU. The licensees receive slugs of DU, dissolve the material in boiling nitric acid, precipitate uranyl acetyl acetate (UAA) using 2,4 pentanedione, dissolve the UAA precipitate in benzene to produce recrystallized UAA, and subsequently dry, grind, filter, package and ship the pure UAA product. The UAA product is ultimately used as a catalyst in the production of Department of Defense munitions.

II

On August 23, 1982, an inspection was conducted at Orion Chemical Company. During the inspection NRC determined that the licensee was in violation of several regulatory requirements. These violations included possession of source material at one time in excess of the 15 pound limitation on such material, refusal to make records available to NRC, unauthorized disposal of DU, and failure to maintain complete records. Subsequently, on September 3, 1982, the NRC issued an Order To Show Cause and Order Temporarily Suspending License (Effective Immediately). On October 25, 1982, the NRC issued an Order Rescinding Order to Show Cause and Order Temporarily Suspending License. This action was taken following the licensee's corrective measures, to bring the operations into compliance. On December 15, 1982, the NRC issued a Notice of Violation (NOV) and Proposed Imposition of Civil Penalty for the above violations. The amount of the Civil Penalty was $500. On March 16, 1983, the licensee responded to the NOV and paid the Civil Penalty.

A specific license (SUB-1436) was issued by the NRC in December 1983 to Larsen Laboratories of Provo, Utah. The responsibility for overseeing this specific license was transferred to the State of Utah upon its becoming an Agreement State. On May 13, 1985, Utah reissued the specific license to Larsen Laboratories.

On April 15, 1986, NRC received an allegation of improper activities being conducted by Larsen Laboratories. The allegation was transferred to the State of Utah which performed inspections and found numerous violations. In all, the State of Utah found 5 contaminated facilities that Mr. Larsen had abandoned.

At one of these facilities, contaminated liquids were leaking from drums that had been stored on a truck for approximately 2 years. On November 5, 1986, the State of Utah issued an Order Suspending License (Effective Immediately) and Order Imposing Civil Monetary Penalties in the amount of $13,000. The Order, which is still in effect, required, among other specified actions, that the licensee (1) not receive or use source material except to secure or transfer such source material in its possession, (2) dispose of radioactive wastes, (3) decontaminate 2 facilities in the Oren area, (4) move to production facilities that have been approved through license amendment procedures, and (5) obtain a qualified Radiation Protection Officer. On January 15, 1987, a Settlement Agreement between the State of Utah and Larsen Laboratories was signed. The Agreement required that the specified activities in the Order be completed by April 15, 1987, and that $8,000 of the civil penalties would be suspended. The licensee paid the remaining $5,000 civil penalties but has not complied with items (4) and (5) of the Order.

On October 28, 1987, the State of Wyoming informed the NRC of an allegation that it had received concerning improper activities at Wrangler Laboratories in Evanston, Wyoming. On November 4-5, 1987, NRC inspected Wrangler Laboratories and found that Mr. Larsen, doing business as Wrangler Laboratories, was conducting chemical operations in a temporary facility and appeared to have exceeded uranium possession limits. As a result of NRC concerns, NRC Region IV staff discussed with Mr. Larsen, the potentially hazardous conditions at his Evanston facility and obtained an agreement for certain corrective measures. Those actions were specified in Confirmation of Action Letters (CAL) issued on November 12, 1987, December 8, 1987, and December 31, 1987.

An enforcement conference was held with Mr. Larsen on December 2, 1987, in Salt Lake City. During the course of the enforcement conference a number of matters of regulatory concern arose:

1. Mr. Larsen stated that he had previously conducted chemical processing of DU operations in the State of California (Foundain Valley, Huntington Beach area) about 10 to 11 years ago and in the State of Nevada (in the back of a pickup truck in the Henderson area) between November 1986 and March 1987. These statements were contradictory to those he gave to the NRC inspector during the November 4-5, 1987 inspection. During the NRC inspection, Mr. Larsen was specifically asked whether he conducted operations with source material at any place outside of the States of Utah and Wyoming. Mr. Larsen responded that he hadn't.

2. In the November 12, 1987 CAL, the licensee committed to having employees submit urine samples for uranium analyses before resuming and following the completion of the processing of the licensed material on hand at the Evanston, Wyoming, facility. During the enforcement conference, Mr. Larsen provided a November 25, 1987, letter that gave the results of such sampling. The licensee deviated from the commitment described in the November CAL in that baseline analyses were not conducted and, instead, only post-cleanup analyses were obtained on one of two individuals in these activities. The indicated post-cleanup analyses were slightly in excess of NRC action levels for uranium bioassays. Mr. Larsen stated the reason for the elevated uranium concentrations was the use of laboratory glassware that might have been contaminated with uranium. On about November 19, 1987, four samples were taken with pharmaceutically clean glassware. Two of these four samples showed higher than baseline concentrations and none of the specimens were controlled or independently verified. Another deviation from the November 12, 1987 CAL was a failure by the licensee to require individuals who were to perform

the processing of licensed material on hand to wear lapel air samplers.

3. Mr. Larsen stated that his companies were the only ones supplying UAA for Department of Defense (DOD). The NRC has determined that, contrary to this assertion, DOD purchases UAA from others.

4. Prior to and during the enforcement conference, Mr. Larsen told the NRC that UAA shipments from Wrangler Laboratories were made from Provo, Utah. Mr. Larsen provided NRC with records to support his statements. These statements, however, were contrary to statements given previously to the State of Utah authorities, who were told that all Wrangler Laboratory shipments were from Evanston, Wyoming. In addition, the records provided by Mr. Larsen also show that, notwithstanding the 15 pound possession limit, a shipment sent to the UAA buyer on August 7, 1987 from Provo, Utah, contained 16.768 pounds of source material.

5. Mr. Larsen was asked whether he or any of his companies had purchased DU from any supplier other than Nuclear Metals, Inc. Mr. Larsen responded that they hadn't. Contrary to that statement, the NRC obtained records from Aerojet Heavy Metals Company that show that they had made DU shipments to Larsen Laboratories on more than one occasion.

In late December 1987, the NRC learned from Mr. Larsen that urine samples analyzed pursuant to the commitments in the December 8, 1987 CAL had indicated some uranium intake by persons involved in cleanup of the Evanston facility. On December 31, 1987, another CAL was issued confirming termination of activities at the Evanston facility involving uranium until further notice from the NRC and the performance of further bioassays. In deviation from a commitment specified in the December 31st CAL, the licensee failed to have two individuals submit urine samples for uranium analyses until January 10, 1988, nine days after the agreed upon date. As a result, the uranium intakes for these individuals could not be estimated.

III

The NRC is currently conducting an investigation of Mr. Larsen's NRC-licensed activities. Based on the information to date, Mr. Larsen has failed to fulfill commitments made on behalf of his firms to the NRC, has made contradictory statements to NRC and the State of Utah authorities, and his firms have processed uranium in an unsafe manner with inadequate controls and resulting contamination. These actions demonstate an unwillingness to comply with NRC regulatory requirements and safe work practices which cannot be tolerated. Therefore, I lack the requisite reasonable assurance that Mr. Larsen, individually, and the companies, which he is the owner of and/or principal of, will comply with Commission requirements in the future. Therefore, I have determined, pursuant to 10 CFR 2.201(c) and 2.202(f), that the public health, safety, and interest require that pending the results of the investigation and further order of the NRC, the general license authorization for Mr. Larsen, as well as the named licensees, to receive and use NRC licensed material under their respective general licenses should be suspended to conditions, as described below, effective immediately, and that no prior notice is required.

IV

Accordingly, in view of the foregoing and pursuant to sections 62, 63, 81, 161b, 161c, 161i, 161o, 182 and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 40, *It Is Hereby Ordered, Effective Immediately, That:*

A. The general license authority of 10 CFR 40.22 with respect to Wrangler Laboratories, Larsen Laboratories, Orion Chemical Company, and Mr. Larsen is suspended and the foregoing licensees and Mr. Larsen shall not receive or use source material, except as permitted in Condition B below.

B. 1. Mr. Larsen, dba Wrangler Laboratories, shall decontaminate all surfaces and equipment within the Evanston, Wyoming, facility to or below the following levels:

Average [1] fixed—5,000 dpm alpha per 100 cm ^{2}

Maximum fixed—15,000 dpm alpha per 100 cm ^{2}

Removable—1,000 dpm alpha per 100 cm ^{2}

2. Mr. Larsen, dba Wrangler Laboratories, shall dispose of licensed material (DU) remaining in the Evanston, Wyoming, facility. Material in process, but not recovered as UAA to date, must be disposed of as radioactive waste in accordance with NRC requirements.

3. Mr. Larsen, dba Wrangler Laboratories, shall complete the disposal and decontamination work required by Items B.1 and B.2 within 30 days of the date of this Order.

4. Mr. Larsen shall notify the Region IV office that the decontamination and disposal has been in accordance with this Order before vacating the Evanston Wyoming facility. Upon vacating the facility, Mr. Larsen, dba Wrangler Laboratories, shall remove all items belonging to the licensee.

C. Within 30 days of the date of this Order, Mr. Larsen, dba the licensees, any other company, or himself shall provide, in writing, to the Region IV office the address, if available, or a description of all locations at which DU in any form or quantity has at any time been received, processed, or shipped by Mr. John P. Larsen or by any other person or firm on Mr. Larsen's behalf.

D. Mr. Larsen, dba the licensees, shall submit a report of the results of all urine sample uranium analyses which were committed to NRC on and since December 4, 1987, to NRC Region IV within 30 days of the date of this Order.

The Regional Administrator, Region IV may, in writing, relax or rescind any of the above provisions in Section IV for good cause.

V

Pursuant to 10 CFR 2.202(b), the licensees and Mr. Larsen, may show cause why this Order should not have been issued by filing a written answer under oath or affirmation within 20 days of the date of issuance of this Order, setting forth the matters of fact and law on which the licensees and Mr. Larsen rely. The licensees and Mr. Larsen, may answer this Order, as provided in 10 CFR 2.202(d), by consenting to the provisions specified in Section IV above. Upon consent of Mr. Larsen or the licensees, to the provisions set forth in Section IV of this Order, or upon their failure to file an answer within the specified time, the provisions specified in Section IV above shall be final without further Order.

VI

Pursuant to 10 CFR 2.202(b), Mr. Larsen and the licensees, or any other person adversely affected by this Order may request a hearing within 20 days of this Order. Any answer to this Order or request for hearing shall be submitted to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Copies also shall be sent to the Assistant General Counsel for Enforcement, Office of General Counsel at the same address and to the Regional Administrator, NRC Region IV, 611 Ryan Plaza Drive, Suite 1000, Arlington, Texas 76011. If a person

[1] Average over an area not greater than 1 square meter.

other than Mr. Larsen, dba the licensees requests a hearing, that person shall set forth with particularity the manner in which the petitioner's interest is adversely affected by this Order and should address the criteria set forth in 10 CFR 2.714(d). An answer to this order or a request for hearing shall not stay the immediate effectiveness of this Order.

If a hearing is requested, the Commission will issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such a hearing shall be whether this Order should be sustained.

For the Nuclear Regulatory Commission.

James M. Taylor,

Deputy Executive Director for Regional Operations.

Dated at Bethesda, Maryland, this 25th day of February 1988.

[FR Doc. 88-4989 Filed 3-7-88; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF PERSONNEL MANAGEMENT

Information Collection Submitted to OMB for Clearance

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1980 (title 44, U.S. Code, chapter 35), this notice announces a new information collection from the public. RI 92-2, Alternative Annuity Election, will enable non-disability FERS retirees to elect to receive either the annuity ordinarily payable, or an alternative annuity (reduced) and lump sum payment of the retirement deductions and interest to their credit. OPM estimates that 3,000 will be completed annually, for a respondent burden of approximately 1,000 hours. For copies of this proposal call William C. Duffy, Agency Clearance Officer, on (202) 632-7714.

DATE: Comments on this proposal should be received on or before March 22, 1988.

ADDRESSES: Send or deliver comments to—

William C. Duffy, Agency Clearance Officer, U.S. Office of Personnel Management, 1900 E Street NW., Room 6410, Washington, DC 20415.

and

Joseph Lackey, Information Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, NW., Room 3235, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: James L. Bryson, (202) 632-5472.

U.S. Office of Personnel Management.

Constance Horner,

Director.

[FR Doc. 88-4922 Filed 3-7-88; 8:45 am]

BILLING CODE 6325-01-M

POSTAL SERVICE

Intent To Prepare a Supplemental Draft of Environmental Impact Statement, General Mail Facility, New York, NY

Notice is hereby given that the United States Postal Service (USPS) intends to prepare a Supplemental Draft Environmental Impact Statement (SDEIS) further documenting the assessment of effects related to development of a new General Mail Facility (GMF) in New York City on a site bounded by Ninth Avenue, 29th Street, Tenth Avenue and 28th Street. This facility will supplement or replace certain existing mail processing facilities in Manhattan. The project includes development of approximately 268 units of New York City-sponsored housing that would be erected over the GMF. The SDEIS will evaluate the following alternatives to the proposed project: rehabilitation of the existing James A. Farley Station (JAF) bounded by Eighth Avenue, 31st Street, Ninth Avenue, and 33rd Street, and its retention for mail processing; and a "No Action" alternative in which JAF will be retained for mail processing.

The SDEIS will consider construction of public housing as part of the project on this site in accordance with Pub. L. 92-313. Because a public scoping hearing has already been held on this project on June 26, 1985, the public's comments have already been incorporated into the SDEIS.

FOR FURTHER INFORMATION CONTACT: Mr. Robert H. Coven, Director, Attention: Mr. Charles A. Vidich, U.S. Postal Service, Windsor Facility Service Center, 6 Griffin Road North, Windsor, CT 06006-0300, (203) 285-7254.

Fred Eggleston,

Assistant General Counsel, Legislative Division.

[FR Doc. 88-4964 Filed 3-7-88; 8:45 am]

BILLING CODE 7710-12-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-25410; File No. SR-MBS-87-11]

Self-Regulatory Organizations; Proposed Rule Change by MBS Clearing Corp. Relating to MBS Clearing Corporation's Division Rules; Filing of Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on January 4, 1988, the MBS Clearing Corporation filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Attached as Exhibit A are proposed changes, together with a summary of changes, to the Depository Division ("Depository Division") rules of MBS Clearing Corporation (the "Corporation"). The changes revise and amend the Depository Division rules to, among other things, provide for assessments of Participants in certain cases and clarify the Corporation's rights in connection with the financing of principal and interest payments.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The proposed rule changes clarify and revise certain Depository Division rules applicable to Depository Transactions, Depository Services and Depository Participants. Capitalized terms used herein have the same meanings ascribed

to them in the Depository Division Rules.

Proposed rule changes to Article II, Rule 5, sections 5(a) and 5(b) permit the Corporation, in the event that any Participant fails to pay any Debit Balance for its Depository Account arising from the purchase of Securities or the assessment, to assess those Participants which received credits to their Cash Balances and/or credits of Securities to their Depository Accounts (valued at market value) as a result of transactions with the Depository Account of the defaulting Participant.

When a Participant defaults in payment of a Debit Balance arising from the purchase of Securities, there will always be Participant(s) with corresponding credits to their Cash Balances. When a Participant defaults in paying a Debit Balance arising from an assessment, however, there may not always be a Participant with a corresponding credit to its Cash Balance although there may be Participants who assumed the risk of dealing with the defaulting Participant by purchasing Securities from such Participant. The changes to section 5(a) and 5(b) permit the Corporation to assess those Participants as well.

Article III, Rule 2, Section 1 is amended to make clear that principal and interest payments on deposited Securities may be received from either the issuer or a paying agent. In addition, the new term "principal and interest advance" has been added to mean an advance by the Corporation of principal and interest not yet collected from an issuer or paying agent in immediately available funds, and the new term "subject principal and interest payment" has been added to mean principal and interest which is the subject of such advance.

Article III, Rule 2, Section 2 has been divided into three parts—Section 2(a) addresses principal and interest advances made with the Corporation's own funds, Section 2(b) addresses principal and interest advances made with funds borrowed from "third-party lenders", and Section 2(c) addresses principal and interest advances made with a combination of the Corporation's own funds and borrowed funds. In order to address concerns raised by certain third-party lenders regarding their ability to perfect a security interest in assigned principal and interest payments, the proposed rule change provides that each Participant receiving a principal and interest advance made with borrowed funds assign its right to the subject principal and interest payments directly to the Corporation's third-party lenders and guarantee the repayment of the advance directly to the lenders. The Corporation is also granted a power of attorney from each Participant to execute any necessary documents, including financing statements.

The foregoing proposed rule change to Article III, Rule 2, Section 2 results in no substantive change to the rights and obligations of Participants since the rules previously provided that in the event that either the Corporation or a third-party lender did not receive or was not entitled to retain (e.g., because of an unperfected security interest) a principal and interest payment, the Participant receiving the related principal and interest advance would be required to repay it to the Corporation or such third party lender, as the case may be.

Article III, Rule 2, Section 4 has been amended to extend the Corporation's ability to reverse erroneous credits of principal and interest arising from circumstances other than issuer or paying agent error (e.g., data processing error). Section 6 (Enforcement of Guarantee) now contemplates principal and interest advances made with a combination of the Corporation's own funds and borrowed funds.

Finally, a new sentence has been added to the last paragraph of Article IV, Rule 1, Section 11 to make it clear that if a Participant fails to pay any debit balance resulting from assessment of an indemnification payment, the provisions of Article II, Rule 5, Section 5 (permitting assessment of other Participants) generally will apply.

The proposed rule changes are consistent with the Securities Exchange Act of 1934 in that they facilitate the prompt and accurate clearance and settlement of securities transactions.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Corporation does not believe that any burden will be placed on competition as a result of the proposed rule changes.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Comments on the proposed rule changes have not yet been solicited nor received. However, copies of the text of the proposed rule change will be distributed to Depository Division Participants for comments. The Corporation will promptly notify the Commission of any written comments received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commisison Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period: (i) As the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will: (A) By order approve the proposed rule change, or (B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-referenced self-regulatory organization. All submissions should refer to File No. SR–MBS–87–11 and should be submitted by March 29, 1988.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: March 1, 1988.

Jonathan G. Katz,

Secretary.

Exhibit A

Note: Italics indicate addition; brackets indicate deletion.

MBS DEPOSITORY DIVISION—PROPOSED RULE CHANGES

Article II—Depository Transactions

Rule 5. Failure of Participants To Meet Cash Settlement Obligations

* * * * *

Sec. 5. Assessments to Cover Losses. If, by reason of a Participant's default in payment of its Debit Balance, the

Corporation suffers a loss or incurs an obligation which remains uncovered after exercise of the remedies available under section 4 of this Rule 5 (including without limitation any obligations to third party lenders which cannot be discharged with proceeds from the sale of any collateral assigned to secure such obligations, whether on account of adverse claims with respect to any such collateral or declines in the market value of collateral or otherwise):

(a) The Corporation shall assess the Participants which received credits to their Cash Balances *and/or credits of Securities to their Depository Accounts (valued at Market Value)* as a result of transactions involving the Depository Account with respect to which the defaulting Participant has failed to pay the Debit Balance in proportion to the relative dollar amount of such credits. All assessments shall be made by debiting the Cash Balances of the non-defaulting Participants which previously were credited *with cash or which relate to Depository Accounts previously credited with Securities.*

(b) In the event any Participant defaults in payment of an assessment debited to the Cash Balance for its Depository Account pursuant to paragraph (a) above, the Corporation shall assess in like manner those Participants which received credits to their Cash Balances *and/or credits of Securities to their Depository Accounts (valued at Market Value)* as a result of transactions involving [such] *the* Depository Account *of the defaulting Participant.* In the event any such Participant defaults in payment of such assessment, the Corporation shall repeat the assessment process in like manner until the Corporation has fully recovered its loss or repaid its obligation or until their remain no Participants subject to assessment subject to this paragraph (b).

* * * * *

Article III—Depository Services

Rule 2. Principal and Interests Payments

Sec. 1. Credit of Payments. The Proprietary Cash Balance or Agency Cash Balance of each Participant shall be credited with principal and interest, as calculated by the Corporation in accordance with accepted industry standards, on all Securities held in such Participant's Proprietary Account and associated Seg Accounts and in its Agency Account and associated Seg Accounts, as of the close of business on the applicable Record Date (after giving effect to any transfers from the associated MBSCC Transfer Accounts pursuant to section 3 of Rule 3 of Article II), as adjusted in such manner as the Corporation from time to time may prescribe to reflect the settlement of transactions which were scheduled to settle on or before the Record Date but in fact settled after that date. For this purpose, except as otherwise provided in Rule 3 or section 4 of Rule 4 of Article IV, the Participant's Proprietary Account and Agency Account shall be increased by Securities in the Participants' Proprietary Repo Out Position and Agency Repo Out Position, respectively, or previously transferred from the Proprietary Account, Agency Account or associated *MBSCC* Transfer Account to a Pledgee Account and reduced by Securities in the Participants' Proprietary Repo in Position and Agency Repo in Position, respectively. Participants' Cash Balances shall be credited with principal and interest: (a) When the Corporation has received such principal and interest from the *issuer(s) or* paying agent(*s*), *as the case may be,* in immediately available funds; or (b) subject to the availability to the Corporation of sufficient funds (which may be the Corporation's own funds and/or funds borrowed *by the Corporation* from third party lenders), on the Principal and Interest Payment Date or such Business Day thereafter as the Corporation shall determine, irrespective of whether such payments have been collected by the Corporation from the *issuer(s) or* paying agent(*s*). [The availability of funds from third-party lenders to permit advances of principal and interest, to any Participant may be conditioned upon the Participant's compliance with such conditions as the lender may impose.] *Any advance by the Corporation to a Participant pursuant to clause (b) above of principal and interest not yet collected from the issuer(s) or paying agent(s) in immediately available funds is hereinafter referred to a "principal and interest advance," and the principal and interest which is the subject of such advance is hereinafter referred to as the "subject principal and interest payment."*

Sec. 2. Financing of Payments.

(a) If the Corporation, *using only its own funds,* has [credited Participants' Cash Balances with] *made a* principal and interest *advance* [which have not been received from the Paying Agents in immediately available funds,] the Corporation shall be entitled to retain *the subject* principal and interest *payment* when received from the *issuer(s) or* paying agents(s) to the extent of *the principal and interest advance.* [any amounts advanced and to assign to third party lenders its rights to such payments.]

(b) If the Corporation, using only the proceeds of a loan or loans made by one or more third-party lenders to the Corporation to fund one or more principal and interest advances (the loan made by each such third-party lender being hereinafter referred to as a "third-party loan"), has made a principal and interest advance, the Corporation shall be entitled to retain, as agent for the sole benefit of such third-party lender(s), the subject principal and interest payment when received from the issuers(s) of paying agent(s) to the extent of the principal and interest advance made with the proceeds of such third-party loan(s).

(c) If the Corporation, using a combination of its own funds and the proceeds of one or more third-party loans, has made a principal and interest advance, the Corporation shall (i) until each third party loan has been repaid in full, be entitled to retain, as agent for the sole benefit of the third-party lender(s) making such third-party loan(s), the subject principal and interest payment when received from the issuer(s) or paying agent(s) to the extent of the principal and interest advance made with the proceeds of such third-party loan(s) and (ii) after each such third-party loan has been repaid in full, be entitled to retain, for the Corporation's own benefit, the subject principal and interest payment when received from the issuer(s) or paying agent(s) to the extent of the remainder of the principal and interest advance. If the Corporation, using a combination of its own funds and the procees of one or more third-party loan(s), had made prinicipal and interest advances on any Business Day to more than one Participant, the principal and interest advance to each Particpant shall be deemed to have been made pro rata with the Corporation's own funds and the proceeds of such third-party loan(s).

(d) The availability of third-party loans may be conditioned upon Participants' compliance with such conditions as the third-party lender(s) may impose. Without limiting the generality of the foregoing, each Participant agrees (i) to guarantee the full and prompt payment when due of all third-party loans to the Corporation the proceeds of which are used, in whole or in part, to fund one or more principal and interest advances of such Participant (with the right of recovery against such Participant being limited to its pro rata share of such principal and interest advances made by the Corporation to Participants on Business Day using the proceeds of third-party loans made by such third-party

lender(s), less the amount of all subject principal and interest payments relative to such principal and interest advances received and retained by such third-party lender(s), plus interest on such amount and all expensee incurred by such third-party lender(s) in enforcing such guarantee) and (ii) to assign to such third-party lender(s), or any agent of such third party lender(s), all rights of such Participant in and to all subject principal and interest payments relating to all principal and interest advances made by the Corporation to such Participants using, in whole or in part, the proceeds of third-party loans made by such third-party lender(s). Each Participant hereby (i) irrevocably appoints the Corporation as such Participants attorney-in-fact, with full authority in the place and stead of such Participant and in the name of such Participant or otherwise, from time to time in the Corporation's discretion, to take any action and to execute any document required by any third-party lender to affect the guarantee(s) and assignment(s) referenced in the immediately preceding sentence of this Section 2(d), including without limitation, financing statements, and (ii) agrees to be bound by the terms and provisions of any such document as may from time to time be executed by the Corporation, including any such document executed by the Corporation prior to such Participants becoming a Participant.

(e) Any financing costs relating to [payment of uncollected] principal and interest *advances* [on Securities] *funded with the Corporation's own funds and/or the proceeds of third-party loans*, net of any savings to the Corporation arising by reason of prepayments of principal and interest, determined on an issue-by-issue basis, shall be charged to Participants in proportion to their Record Date positions in such Securities, as adjusted pursuant to Section 1 of this Rule 2. As used in this section 2(e), the term "financing costs" shall mean, [(a)] *(i)* to the extent the Corporation has borrowed funds from third-party lenders, the costs of such borrowing charged by such *third-party* lenders and [(b)] *(ii)* to the extent the Corporation has advanced its own funds, interest at the highest rate that would have been charged to the Corporation by its third-party lenders if they had made a loan.

(f) If for any reason the Corporation or a third-party lender, *or any agent for a third-party lender*, to which [the Corporation] a Participant has assigned, *pursuant to the terms of Section 2(d)*, its rights [pursuant to the Section 2] *in and to subject principal and interest payments* does not promptly receive *the subject* principal and interest payments form the *issuer(s)* or paying agent(s) or is not entitled to retain them when received, [each] *such* Participant agrees that is shall [be liable to], *upon demand by* the Corporation or such *third-party* lender, *as the case may be, promptly* pay the Corporation or such third-party lender an amount equal to *the product of (i) the subject principal and interest payments multiplied by (ii) the percentage of* [such payments on the same basis as the Participant received advances of such payments on the same basis as the Participant received advances of such payments] *the principal and interest advance funded by the Corporation or such third-party lenders, as the case may be.*

* * * * *

Sec. 4. Adjustments. In the event an Issuer or paying agent errs in a principal and interest payment [and] *of for any reason* a Participant's Cash Balance has been credited to reflect [the] *an* erroneous payment, the Corporation reserves the right, upon written or electronic notice to the Participant, to reverse such credit.

* * * * *

Sec. 6. Enforcement of Guarantees. To the extent entitled or permitted to do so, the Corporation shall, in the event that any issuer or paying agent fails to timely pay principal or interest on any desposited Securities registered in the name of MBSCC's nominee, file appropriate claims for payment under any guarantee by FHLMC, FNMA or GNMA, as the case may be. Except to the extent that (i) the Corporation has made a principal and interest advance to a Participant *pursuant to section 2(a), (b) or (c) of this Rule 2* with the Corporation's own funds [pursuant to Section 2(a) of this Rule 2 and is entitled to retain the subject principal and interest payment] and/or [has] borrowed funds *obtained* from [a] *one or more* third-party lenders [pursuant to Section 2(b) of this Rule] and the subject principal and interest payments *is retainable by the Corporation and/or* has been assigned to the third-party lender(s) or (ii) the Securities with respect principal and interest *are payable* have been pledged pursuant to Section 1 of Rule 5 of Article II, the Corporation, in filing such claim for payment and in receiving, holding and disbursing any funds received pursuant to such claim be deemed to be acting solely as agent for the benefit of the Participant entitled to crediting of principal and interest under Section 1 of this Rule 2.

Article IV—Participants

Sec. 11. Indemnification. The Corporation shall be entitled to indemnification from Participants as described below:

(a) In consideration of the Corporation's provision of despository services, Participants shall indemnify the Corporation against any loss, reasonable cost or expense, damage or liability arising out of the performance, non-performance or misperformance of such duties except to the extent that the Depository's conduct violated the standard of care set forth in section 2 of Rule 6 of Article VI[I].

(b) In consideration of the Corporation maintaining custody of Participants' Securities, Participant shall indemnify the Corporation and any nominee of the Corporation in the name of which such Securities are registered against any loss, reasonable cost or expense, damage or liability which they may sustain as a result of maintaining custody of such Securities including (i) assessments, (ii) losses, liabilities and expense arising from claims of third parties (including without limitation claims of a prior lien or other interest in Securities or other property in which the Corporation is granted a lien or acquired title pursuant to these Rules or in principal and interest retainable by the Corporation *or assign to a third-party lender* pursuant to Section [1] *2* of Rule 1 of Article III) and from taxes and other governmental charges and (iii) related expenses in respect of any such Securities, except to the extent that the Depository's conduct violated the standard of care set forth in Section 1 of Rule 6 of Article VI.

* * * * *

As provided in section 2 of Rule 2 of Article II, the amount of any indemnification owed by a Participant to the Corporation shall be charged against such Participant's Proprietary Cash Balance, Agency Transfer Cash Banalde and/or Pledgee Cash Balance in such proportions as the Corporation in its sole judgment shall determined. *If such participant fails to pay any resulting Debit Balance, the assessment procedures described in section 5 of Rule 5 of Article II shall apply.*

[FR Doc. 88-5050 Filed 3-7-88; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-25398; File No. SR-NYSE-87-38]

Self-Regulatory Organizations; Proposed Rule Change by New York Stock Exchange, Inc., Relating to the Revised Specialist Job Description

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on November 27, 1987, the New York Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change consists of a proposed new Specialist Job Description (the Description). The Description restates and consolidates the Specialist Job Description and the Code of Acceptable Business Practices for Specialists which were adopted in June, 1976 and are being rescinded and replaced in their entirety by the Description.

Section I of the proposed Description points out that an Exchange member registered as a specialist is accountable to the Exchange for the quality of the Exchange markets in the securities in which the specialist is registered. It notes that the specialist is responsible for fostering and acting to maintain liquid and continuous two-sided agency auction markets by acting as agent and principal in those securities on the Exchange Floor and that the specialist helps ensure that such markets are fair, orderly, operationally efficient and competitive with all other markets in those securities. Section I points out that all specialists are expected to comply with all applicable federal laws and regulations, as well as with Exchange rules and policies and that by so doing the specialist actively contributes to maintaining high quality Exchange markets in the public interest. It is also explained that because of the specialist's central position in the Exchange's continuous two-way agency auction market, the manner in which and the degree to which the specialist performs significantly affects the efficiency, competitiveness and overall quality of Exchange markets, and largely determines the Exchange's success as a national securities market. For these reasons, the Description explains that specialists are expected to exhance their performance in the ways set forth in the Description. Section I also points out that a specialist occupies a position of public trust and therefore should act at all times in a manner consistent with that trust. It states that it is essential for the specialist to adhere to the highest standards of business and ethical conduct in the performance of all aspects of his job and that failure to do so can be detrimental to the Exchange and may constitute a breach of the public trust. Section I also points out that acts of omissions by specialists that appear to be inconsistent with the primary duties of the specialist as described in Section II of the Description are addressed by the Market Performance Committee of the Exchange's Board of Directors via the regulatory process under applicable Exchange rules and, in particular, under Exchange Rule 103A which provides the standards that are applied with respect to the adequacy of the performance of a specialist in the discharge of his duties. Exchange Rule 103A as proposed to be amended has been filed with the Commission and awaits approval.

Section II of the Description explains the primary duties of the specialist under seven separate headings: "Agency Function", "Dealer Function", "Maintaining the Auction Market", "Communication Function", "Administrative Function", "Competitive Responsibilities" and "Other Market Responsibilities".

Under the heading, "Agency Function", the specialist is reminded that he is expected to act as agent on behalf of orders entrusted to him and to hold the interests of such orders above his own. He is expected to properly represent each order, regardless of its size or source, in the marketplace to ensure the timely and best possible execution in accordance with ther terms of the order and the rules and policies of the Exchange.

Under the heading, "Dealer Function", the specialist is reminded that in performing as principal he is expected to discharge both his affirmative obligation and his negative obligation. He is also expected to make firm and continuous two-sided quotations and effect principal transactions in a manner consistent with his financial resources. Section II explains the affirmative obligation of a specialist acting as principal as the obligation to buy and sell securities as principal when such transactions are necessary to minimize an actual or reasonably anticipated short-term imbalance between supply and demand in the auction market and do not upset the natural longer term forces of supply and demand, and to effect such transactions when their absence could result in an unreasonable lack of continuity and/or depth. The negative obligation of the specialist acting as principal is explained as the obligation to provide an opportunity for public orders to be executed against each other without undue dealer intervention within the context of the current market, and to refrain from dealing in a manner that is inconsistent with the overall objective of maintaining a fair and orderly market. The specialist is reminded that the negative obligation includes a requirement that, given a reasonable time frame and lack of substantive change in market conditions, the specialist should refrain from interfering with a cross when the specialist has previously indicated "no interest" and that the specialist should also refrain from interfering with a "clean" agency cross unless his bid or offer has been previously solicited or unless the reasonably anticipated needs of the market require the specialist to do so in order to be able to fulfill his market maintenance responsibilities and a Floor Official of the Exchange has been consulted in the event of any disagreement.

Section II explains that the continuous market obligation of a specialist acting as principal requires the specialist to make firm and continuous two-sided quotations that are timely and accurately reflect market conditions, and to ensure that principal transactions are calculated to contribute to the maintenance of price continuity with reasonable depth, and that such transactions are effected relative to the general market, the market in the particular security and the adequacy of the specialist's total position in the security with respect to the actual or reasonably anticipated needs of the market. It is explained that the continuous market requirement also requires the specialist to ensure that the election of Stop Orders results from the fair and orderly price movement of the stock and not from poor performance by the specialist or inadequate depth.

Finally, in performing his dealer function, Section II explains that the specialist should effect principal transactions in a manner that is consistent with his financial resources and in a manner that maximizes the efficient use of those resources. He is reminded to report promptly to the Exchange any actual or imminent financial problems that may affect his ability to fulfill his responsibilities to the market.

Under the heading, "Maintaining the Auction Market", the Description explains the specialist's responsibilities in opening and reopening trading in a listed security. First, insofar as market openings and reopenings are concerned, the specialist is reminded that he should initiate trading in the affected security as soon as market conditions allow, and at a price that reflects a thorough, professional assessment of market conditions at the time and appropriate consideration of the balance of supply and demand as reflected by orders represented in the auction market. He is reminded to take extra care, however, when the opening or reopening price is significantly different from the preceding closing price. The specialist is also reminded of the need to maintain continuous, fair and orderly trading in the aftermarket and to seek the advice of Floor Officials in a timely manner when requesting delays in openings or trading halts. Also, as a part of his duty to maintain the auction market, Section II explains the specialist's duties as market coordinator and reminds him of the need to serve as the market coordinator for all of the securities in which he is registered by exercising leadership and managing trading crowd activity and by promptly identifying unusual market conditions that may affect orderly trading in those securities, seeking the advice and assistance of Floor Officials when appropriate.

The Description also explains that the specialist is expected to act as a market catalyst for the securities in which he is registered by making all reasonable efforts to bring buyers and sellers together to facilitate the public pricing of orders without acting as principal unless reasonably necessary.

In performing his communication function, Section II points out that in view of the specialist's central position in the Exchange's continuous two-way agency auction market, the specialist should equally and impartially provide accurate and timely market information to all inquiring members in a professional and courteous manner and that he should also indicate the depth of the current maket, to the extent his agency responsibility allows, in response to any reasonable inquiry from a member. Finally, it is explained that the specialist should equally and impartially provide all inquiring members with accurate, complete and current opening price indications and pre-opening information, such as the amount of stock paired off and the excess to buy or sell.

In discharging his administrative function, Section II of the Description points out that the specialist's administrative and operating practices can have a significant impact on the quality and competitiveness of the Exchange's market. The Description explains that, for this reason, the specialist should:

1. Employ efficient administrative procedures that enable the specialist to maintain accurate and up-to-date records, process trade documents efficiently and accurately, and respond promptly to requests for order or market information.

2. Promptly provide information when necessary to research the status of an order or a questioned trade, and cooperate with other members in resolving and adjusting errors.

3. Accurately report executions of orders entrusted to the specialist in a timely and complete manner and provide information, when requested, on the status of orders and the confirmation of open orders.

4. Maintain a level of trained staff on the Exchange Floor at all times sufficient to meet periods of reasonable demand, and provide the supervision necessary to insure the efficiency and professionalism of the specialist's operation.

5. Insure that, during an absence from the post, the replacement on the Floor is aware of all pertinent information related to the securities in which the specialist specializes.

6. Make arrangements for supplementary staff and financial resources that may be necessary to meet extraordinary market conditions.

7. Utilize Exchange systems and procedures.

In discharging his competitive responsibilities, Section II points out the intensely competitive environment in which the specialist operates and, in light of that environment, explains that the specialist should:

1. Make every effort to be fully competitive in all segments of the market and to maintain and increase market share in the securities in which he acts as specialist.

2. Establish a positive professional relationship with Exchange listed companies and each year extend an invitation to meet with representatives of the listed companies that have issued the securities in which he specializes to acquaint them with the workings and operational aspects of the agency auction market system.

3. Each year extend an invitation to meet with appropriate on and off-floor representatives of those member firms with which the specialist conducts a significant business and such other member firms as are deemed appropriate to discuss the service, operational and competitive requirements of the member firms.

Finally, Section II of the proposed Specialist Job Description lists a number of other market responsibilities the specialist is expected to discharge. Under this heading, the Description explains that the specialist is expected to:

1. Assist the Exchange in developing and implementing systems and procedures designed to enhance the efficiency and competitiveness of the Exchange's agency auction market, and to satisfy Federal requirements.

2. Comply with all measures and standards of performance established by the Exchange, understanding that failure to meet these standards could subject the specialist to prescribed performance improvement procedures, which may include the reallocation of a security or securities.

3. Keep records required by Federal and Exchange rules, promptly and accurately report required information to the Exchange, and comply with all Exchange rules which govern the financing of specialist operations.

4. Take any actions not prohibited by Federal or Exchange rule or policy or precluded by professional judgment to foster and maintain liquid continuous two-sided agency auction markets on the Exchange Floor and to ensure that such markets are fair, orderly and efficient in the public interest and competitive with non-Exchange markets in Exchange listed securities; and avoid any action which would hinder the achievement of these objectives.

The Description concludes with a Section III which lists the requirements an Exchange member must comply with if he wishes to be registered as an Exchange specialist. These include the requirement that he be associated with an existing or newly created specialist unit approved by the Exchange; that he complete an adequate training period under the supervision of an experienced specialist; that he pass the Exchange administered specialist examination; that he ensure that the specialist unit with which he is to be associated meets the Exchange's specialist capital requirements; and that he participate in an orientation session with a panel of market professionals, whose membership is to be drawn from the Market Performance Committee of the Exchange's Board of Directors, to discuss the responsibilities and duties of being an Exchange specialist.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below and is set forth in Sections A, B, and C below.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the Description is to guide specialists in the performance of their duties in a manner that is consistent with the rules of the Exchange and the provisions of the 1934 Act and the rules thereunder. The Description adds specificity to the rules of the Exchange applicable to registered specialists. It augments and reinforces those rules; and, thus, is in the nature of an interpretation of Exchange rules that govern the conduct of registered specialists on the Exchange.

Given the length of time that had transpired since the Specialist Job Description and the Code of Acceptable Business Practices for Specialists were adopted by the Exchange in 1976, the Exchange commenced a review of those documents in late 1983 to determine whether a restatement of them was necessary to more accurately reflect the specialist's role in the mid-80's. It was recognized that such a restatement might be appropriate in light of the significant changes that had been experienced in the securities markets generally since 1976 and the new trading support systems that had been introduced by the Exchange in the interim.

Input was solicited from the Exchange's various constituent groups as to the revisions thought to be necessary to update the Specialist Job Description and Code. Initial recommendations were developed by a group of specialists and those recommendations were reviewed by Exchange staff with each of the advisory committees of the Board of Directors of the Exchange. Those recommendations were also reviewed with representatives of floor brokers, institutional and upstairs traders, regional and specialty firms of the Exchange, listed companies, and the operations staffs of major Exchange member firms. As a result of this review and dialogue, the Description, restating and consolidating the former Specialist Job Description and Code, had emerged.

By describing with some specificity the performance expected of Exchange members who are registered as specialists with the Exchange, the proposed Specialist Job Description is consistent with the requirements of section 6(b)(5) of the 1934 Act which requires that rules of an exchange be designed "to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, * * * and, in general, to protect investors and the public interests * * * *"

The Description is also consistent with requirements of Rule 11b–1(a)(2)(ii) under the 1934 Act which requires that the rules of a national securities exchange which permit a member of the Exchange to register as a specialist and to act as a dealer shall include "requirements, as a condition of a specialist's registration, that a specialist engage in a course of dealings for his own account to assist in the maintenance, so far as practicable, of a fair and orderly market * * *". By explaining the course of conduct expected by the Exchange from its specialists as a consequence of Exchange rules, the 1934 Act and the rules thereunder, the Description will help assure that the dealings of Exchange specialists comport with the requirements of Rule 11b–1.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the 1934 Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments have been received, nor are written comments to be solicited, from any person relating to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the propose rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by March 29, 1988.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: February 26, 1988.

Jonathan G. Katz,

Secretary.

[FR Doc. 88–5051 Filed 3–7–88; 8:45 am]

BILLING CODE 8010–01–M

[Release No. IC–16297; (812–6275)]

ML Convertible Securities, Inc.; Application

March 2, 1988.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for exemption under the Investment Company Act of 1940 ("the 1940 Act").

Applicant: ML Convertible Securities, Inc. ("the Company").

Relevant 1940 Act Sections: Exemption requested pursuant to section 6(c) from the provisions of section 30(f).

Summary of Application: The Company requests an order exempting any affiliated person of Merrill Lynch Asset Management, Inc. ("MLAM") from

section 30(f) of the 1940 Act, other than (1) Any person who is directly or indirectly the beneficial owner of more than 10 percent of any class of the Company's shares, (2) any director or officer of the Company, (3) the President and all Executive and Senior Vice Presidents of MLAM, and (4) any other officer of MLAM who manages, or supervises the management of, or who makes recommendations or participates in the determination of which recommendations shall be made, or in connection with his duties obtains information concerning which securities are being purchased or sold for the Company.

Filing Dates: The application was filed on January 6, 1986 and amended on August 4, and September 5, 1986.

Hearing or Notification of Hearing: If no hearing is ordered, the application will be granted. Any interested person may request a hearing on the application or ask to be notified if a hearing is ordered. Any requests must be received by the SEC by 5:30 p.m., on March 28, 1988. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve the Company with the request, either personally or by mail, and also send it to the Secretary of the SEC, along with proof of service by affidavit, or, for lawyers, by certificate. Request notification of the date of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. ML Convertible Securities, Inc., P.O. Box 9011, Princeton, New Jersey 08543-9011.

FOR FURTHER INFORMATION CONTACT: Fran Pollack-Matz, Staff Attorney (202) 272-3024 or Houghton R. Hallock, Special Counsel (202) 272-3030, Division of Investment Management.

SUPPLEMENTARY INFORMATION: Following is a summary of the application; the complete application is available for a fee from either the SEC's Public Reference Branch in person or the SEC's commercial copier, (800) 231-3282 (in Maryland (301) 258-4300).

Applicant's Representations

1. The Company, registered under the 1940 Act as a closed-end, diversified management investment company, is a "dual-purpose" type of investment company which has issued two classes of securities, both of which are listed for trading on the New York Stock Exchange, Inc. The Company is registered under section 12 of the Securities Exchange Act of 1934 ("1934 Act") (File No. 1-8950). The Company's by-laws provide that neither MLAM nor any officer, director or employee with managerial responsibilities of MLAM or the Company may own beneficially more of one class of the Company's securities than the other. MLAM, a wholly owned subsidiary of Merrill Lynch & Co., Inc. ("Merrill Lynch"), which serves as investment adviser to the Company, employed 92 officers and assistant officers as of December 6, 1985.

2. Because the Company is registered pursuant to section 12 of the 1934 Act, any 10% shareholders, directors and officers of the Company are directly subject to the reporting requirements and liabilities of section 16 of the 1934 Act. According to the Company, the significant effect of section 30(f) of the 1940 Act, therefore, on the Company is to subject all other affiliated persons of MLAM—i.e., those affiliated persons who are not also 10% stockholders, directors or officers of the Company—to the requirements and liabilities of section 16 of the 1934 Act.

3. Neither Merrill Lynch nor any Merrill Lynch subsidiary other than MLAM participates in, or is privy to, investment decision making on behalf of the Company (except to these same extent that any unaffiliated purchaser or seller of portfolio securities from or to the Company may be aware of transactions made or declined to be made by the Company). In addition, such participation within MLAM is highly prescribed.

4. Nonetheless, to assure that the purposes of section 30(f) of the 1940 Act are satisfied with respect to the Company's shares, the exemption requested by the Company would not extend to the President or any Executive or Senior Vice President of MLAM. Additionally, a MLAM affiliate who may be a 10% stockholder, director or officer of the Company would remain subject to section 30(f) of the 1940 Act to avoid any implication that the Commission has, in some way, relieved him of his direct responsibilities and liabilities purusant to section 16 of the 1934 Act. Currently, the President, the sole Executive Vice President, two senior Vice-Presidents and two Vice Presidents of MLAM are directly subject to section 16 of the 1934 Act as directors and/or officers of the Company.

Applicant's Legal Conclusions

1. The Company submits that the exemption requested is necessary or appropriate in the public interest and consistent with the protection of investors and purposes fairly intended by the policy and provisions of the 1940 Act. To subject all individuals and corporations affiliated with MLAM to the routine filing of dozens of Form 3's and 4's (the forms required by section 16 of the 1934 Act) will result in increased regulatory costs, both to the Company and to the Commission, without meaningful public benefit. This request for exemption accords with the Commission staff's longstanding analyses of section 30(f) under the 1940 Act as expressed in various no-action letters.

2. The application would in no way diminish the scope or applicability of the anti-fraud provisions of section 10(b) and Rule 10b-5 under the 1934 Act as to any person.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 88-5052 Filed 3-7-88; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 05/05-0097]

Bankit Financial Corp.; Surrender of License

Notice is hereby given that Bankit Financial Corporation, 111 East Wisconsin Avenue, Suite 1900, Milwaukee, Wisconsin 53202 has surrendered its License to operate as a small business investment company under the Small Business Investment Act of 1958, as amended (the Act). Bankit Financial Corporation was licensed by the Small Business Administration of June 13, 1977.

Under the authority vested by the Act and pursuant to the Regulations promulgated thereunder, the surrender was accepted on November 27, 1987, and accordingly, all rights privileges, and franchises derived therefrom have been terminated.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: March 2, 1988.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 88-5059 Filed 3-7-88; 8:45 am]

BILLING CODE 8025-01-M

OFFICE OF UNITED STATES TRADE REPRESENTATIVE

Trade Policy Staff Committee, Generalized System of Preferences (GSP) Subcommittee; Notice of Withdrawal of Petition Under the 1987 Annual Review

This publication serves notice that Howes Leather Comapny, Inc. has withdrawn its petition (Case numbers 87–70 and 87–HS–69) concerning TSUS item 791.28 and proposed Harmonized System subheading 6406.99.60 from consideration. These cases were being considered on a expedited basis under the GSP Program. The Trade Policy Staff Committee (TPSC) has formally initiated the expedited review of these cases in a notice of September 22, 1987 (52 FR 35605). The GPS is provided for in the Trade Act of 1974, as amended (19 U.S.C. 2461–2465).

Donald M. Phillips,

Chairman, Trade Policy Staff Committee.

[FR Doc. 88–5020 Filed 3–7–88; 8:45 am]

BILLING CODE 3190–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Proposed Advisory Circular 121.195(d)–1A]

Operational Landing Distances for Wet, Grooved or Porous Friction Course Overlayed Runways; Transport Category Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of availability of proposed Advisory Circular (AC) 121.195(d)–1A, and request for comments.

SUMMARY: This notice announces the availability of and requests comments on a proposed advisory circular (AC) pertaining to operational landing distances on wet runways. This notice is necessary to give all interested persons an opportunity to present their views on the proposed AC.

DATE: Comments must be received on or before May 9, 1988.

ADDRESS: Send all comments on the proposed AC to: Federal Aviation Administration, Flight Technical Programs Branch, AFS–210, 800 Independence Avenue, SW., Washington, DC 20591. Comments may be inspected at the above address between 9:00 a.m. and 4:00 p.m. weekdays, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Richard Gough, AFS–210, at the address above, telephone (202) 267–3728.

SUPPLEMENTARY INFORMATION:

Comments Invited

A copy of the draft AC may be obtained by contacting the person named above under **"FOR FURTHER INFORMATION CONTACT."** Interested persons are invited to comment on the proposed AC by submitting such written data, views, or arguments as they may desire. Commenters should identify AC 121.195(d)–1A and submit comments in duplicate, to the address specified above. All communications received on or before the closing date for comments will be considered by the Flight Technical Programs Branch before issuing the final AC.

Background

In determining safe operational runway lengths that provide for operational variables not included in type certification tests, § 121.195(b) of the Federal Aviation Regulations (FAR) requires a runway length adequate to allow a full-stop landing within 60 percent of the effective length of the runway. Section 121.195(d) requires an additional 15 percent runway length for operations into wet or slippery runways. As an alternative, § 121.195(d) allows operational wet distances to be used if they are based "on a showing of actual operating landing techniques on wet runways." Guidelines for operational certification under § 121.195(d) have existed for many years in AC 121.195(d)–1, dated November 19, 1965. Because of the vast amount of operational experience gained since publication of the original AC, it is considered appropriate to issue a revised AC to reflect guidelines more fitting of modern transport category airplanes and their operating environment.

Issued in Washington, DC, on February 22, 1988.

William T. Brennan,

Acting Director of Flight Standards

[FR Doc. 88–4951 Filed 3–7–88; 8:45 am]

BILLING CODE 4910–13–M

Federal Highway Administration

[FHWA Docket No. 87–20]

Contract Procedures; Buy America Requirements

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Denial of national waiver of Buy America.

SUMMARY: The FHWA hereby provides notice of its determination to deny a request for a national waiver of Buy America requirements for Reno Mattresses. The federal regulations in 23 CFR 635.410 provide, with exceptions, that no Federal-aid highway construction project in which steel materials are to be used is to be authorized for advertisement or authorized to proceed unless all manufacturing processes for such material occur in the United States. The decision to deny the request for a national waiver is based on a review of docket comments and other information developed from internal FHWA sources.

FOR FURTHER INFORMATION CONTACT: Mr. Stuart A. Bender, Office of the General Counsel, (202) 366–0780, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590.

SUPPLEMENTARY INFORMATION: On October 8, 1987, at 52 FR 37701 the FHWA published a notice of request for a national waiver of the requirements of 23 CFR 635.410 (Buy America Requirements) for Reno Mattresses (Gabion Wire Baskets) and requested that comments be submitted to Docket No. 87–20 on or before December 7, 1987 The request for the waiver was made by Terra Aqua, Inc., Reno, Nevada. After the closing date for receiving comments, FHWA reviewed and considered all of the comments received.

Assessment of Comments

Six comments were received in response to the request for comments. Comments were submitted by representatives from the following interest groups: four state transportation agencies, two private industries. Three state transportation agencies expressed support for the waiver, if it would stimulate competition. The fourth state transportation agency expressed opposition to the waiver, in part due to the small quantity of Gabion wire baskets used on its construction projects.

Of the two comments received from private industry, one company was against the waiver, in part due to its contention that a sufficient domestic quantity exists which is of satisfactory quality. The other company was in favor of only granting a limited waiver for foreign manufactured products made of domestic steel.

After a careful consideration of the public comments received as well as other information developed internally the FHWA has determined that a national waiver of Buy America is not justified for several reasons.

Pursuant to FHWA regulations (23 CFR 635.410(b)(4)), Buy America

requirements do not apply if the amount of foreign steel involved does not exceed 0.1 percent of the total contract cost or $2,500.00, whichever amount is greater. Based on the comments received and internal agency information, it has been determined that Reno Mattresses compose only a small percentage of the cost of Federal-aid highway construction projects. This small percentage in many cases would be too low to trigger the application of the Buy America Act.

Additionally, internal FHWA information reveals that in the past 7 years, four out of five Federal-aid highway construction projects in Illinois involving Reno mattresses and gabions used a quantity of steel less than the $2,500.00 limit allowed for foreign steel.

Furthermore, the comments revealed that Reno Mattresses are not frequently used in sufficient quantity on highway construction projects to warrant granting a national waiver of Buy America. Additionally, internal agency information reveals a limited usage of Reno Mattresses and that such Mattresses are usually used in small quantities. A national waiver seems unnecessary where in fact there is little or nor applicability of Buy America.

Finally, the comments reveal that, in addition to Maccaferri, other U.S. domestic companies, such as Hilfiker, Inc., currently exist to provide competition. Also, internal FHWA information shows that the domestic supply is considered to be adequate. Moreover, an additional source of competition is provided by manufacturers of polypropylene mattresses, which offer an alternative design which has been accepted as equivalent to steel mattresses by several states. These circumstances negate the factual basis for granting the waiver under the regulation, which is lack of production in the United States "in sufficient and reasonably available quantity which are of a satisfactory quality."

Conclusion

In light of the information available from the public comments and FHWA's internal information, the FHWA has determined that the requested national waiver of Buy America requirements for Reno Mattresses is not justified and is not in the public interest and, therefore, is denied. (Sec. 165 of Pub. L. 97-424, 96 Stat. 2097, 2136 as amended; 23 U.S.C. 315; 49 CFR 1.48)

Issued on March 2, 1988.

Robert E. Farris,

Deputy Administrator, Federal Highway Administration.

[FR Doc. 88-5056 Filed 3-7-88; 8:45 am]

BILLING CODE 4910-22-M

Federal Railroad Administration

[BS-Ap-No. 2728]

CSX Transportation Co.; Public Hearing

The CSX Transportation Company has petitioned the Federal Railroad Administration (FRA) seeking approval of the proposed discontinuance of the signal systems currently installed on its line between Cottage Grove, Indiana, and LaCrosse, Indiana, a distance of approximately 177 miles. This proceeding is identified as FRA Block Signal Application No. 2728.

After examining the carrier's proposal and the available facts, the FRA has determined that a public hearing is necessary before a final decision is made on this proposal.

Accordingly, a public hearing is hereby set for 10 a.m. on April 28, 1988, in Room 201-D of the YMCA at 6th and Wabash Streets In Peru, Indiana.

The hearing will be an informal one, and will be conducted in accordance with Rule 25 of the FRA Rules of Practice (49 CFR 211.25), by a representative designated by the FRA.

The hearing will be a nonadversary proceeding and, therefore, there will be no cross-examination of persons presenting statements. The FRA representative will make an opening statement outlining the scope of the hearing. After all initial statements have been completed, those persons who wish to make brief rebuttal statements will be given the opportunity to do so in the same order in which they made their initial statements. Additional procedures, if necessary for the conduct of the hearing, will be announced at the hearing.

Issued in Washington, DC, on March 1, 1988.

J.W. Walsh,

Associate Administrator for Safety.

[FR Doc. 88-4995 Filed 3-7-88; 8:45 am]

BILLING CODE 4910-06-M

UNITED STATES INFORMATION AGENCY

United States Advisory Commission on Public Diplomacy; Meeting

A meeting of the U.S. Advisory Commission on Public Diplomacy will be held March 16, 1988, in Room 600, 301 4th Street SW., Washington, DC from 10:30 a.m. to 12:00 p.m.

The Commission will meet with USIA Deputy Director Marvin Stone to discuss the Agency's participation in international expositions. Subsequently, the Commission will meet with Dr. Bruce Porter, Executive Director, Board for International Broadcasting (BIB), and Mr. Mark Polmar, Deputy Executive Director, to discuss programs and facilities modernization of Radio Free Europe and Radio Liberty.

Please call Gloria Kalamets, (202) 485-2468, if you are interested in attending the meeting since space is limited and entrance to the building is controlled.

Dated: March 2, 1988.

Charles N. Canestro,

Management Analyst, Federal Register Liaison.

[FR Doc. 88-4976 Filed 3-7-88; 8:45 am]

BILLING CODE 8230-01-M

Sunshine Act Meetings

Federal Register
Vol. 53, No. 45
Tuesday, March 8, 1988

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: To Be Published March 4, 1988.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m. (eastern time) Tuesday, March 8, 1988.

CHANGE IN THE MEETING:

Closed Session

The following item was approved by Notation Vote on March 3, 1988, to be added to the closed portion of the meeting by Commissioners, Thomas, Silberman and Kemp.

"Litigation Authorization: General Counsel Recommendations"

CONTACT PERSON FOR MORE INFORMATION: Hilda D. Rodriguez, Executive Officer (Acting), Executive Secretariat, (202) 634-6748.

Date: March 8, 1988.

Hilda D. Rodriguez,

Executive Officer (Acting), Executive Secretariat.

This Notice Issued March 3, 1988.

[FR Doc. 88-5117 Filed 3-4-88; 11:21 am]

BILLING CODE 6750-06-M

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

March 3, 1988.

TIME AND DATE: 10:00 a.m., Wednesday, March 9, 1988.

PLACE: Room 600, 1730 K Street, NW., Washington, DC.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Local Union 2333, District 29, UMWA v. Ranger Fuel Corp., Docket No. WEVA 86-439-C. (Issues include whether the judge erred in denying both of the parties' motions for summary decision in a section 111 compensation proceeding.)

Any person intending to attend this meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subjects to 20 CFR 2706.150(a)(3) and § 2706.160(e).

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, (202) 653-5629/(202) 566-2673 for TDD Relay.

Jean H. Ellen,

Agenda Clerk.

[FR Doc. 88-5160 Filed 3-4-88; 3:44 am]

BILLING CODE 6735-01-M

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

TIME AND DATE: 11:00 a.m., Monday, March 14, 1988.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposed statement of the Board's organization and procedures and delegation of administrative responsibility and authority.
2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve Systems employees.
3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204. You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Date: March 4, 1988.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 88-5164 Filed 3-4-88; 3:45 pm]

BILLING CODE 6210-01-M

NUCLEAR REGULATORY COMMISSION

DATE: Weeks of March 7, 14, 21, and 28, 1988.

PLACE: Commissioners' Conference Room, 1717 H Street, NW., Washington, DC.

STATUS: Open and Closed.

MATTERS TO BE CONSIDERED:

Week of March 7

Thursday, March 10

10:00 a.m.
Affirmation/Discussion and Vote (Public Meeting)
a. Sequoyah Restart (Tentative)

Friday, March 11

11:00 a.m.
Classified Security Briefing (Closed—Ex. 1)

Week of March 14—Tentative

Monday, March 14

2:00 p.m.
Briefing on the Status of Efforts to Develop a De Minimis Policy (Public Meeting)

Thursday, March 17

10:00 a.m.
Discussion/Possible Vote on Full Power Operating License for Braidwood-2 (Public Meeting)
2:00 p.m.
Briefing on Status of TMI-2 (Public Meeting)
3:30 P.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)

Friday, March 18

10:00 a.m.
NRC Participation in International Agreements and Research (Public Meeting)

Week of March 21—Tentative

Monday, March 21

2:00 p.m.
Briefing on Status of Proposed Rulemaking on Basic QA in Radiation Therapy and Related Activities (Public Meeting)

Tuesday, March 22

10:00 a.m.
Discussion/Possible Vote on Rancho Seco (Public Meeting)
2:00 p.m.
Briefing on High Priority AEOD Issues (Public Meeting)

Thursday, March 24

3:30 p.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)

Week of March 28—Tentative

Thursday, March 31

10:00 a.m.
Briefing on Proposed Final Rule on Station Blackout (Public Meeting) (Tentative)
3:30 p.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)

Note:—Affirmation sessions are initially scheduled and announced to the public on a time-reserved basis. Supplementary notice is provided in accordance with the Sunshine Act as specific items are identified and added to the meeting agenda. If there is no specific subject listed for affirmation, this means that no item has as yet been identified as requiring any Commission vote on this date.

TO VARIFY THE STATUS OF MEETINGS CALL (RECORDING) (202) 634–1498.

CONTACT PERSON FOR MORE INFORMATION: William Hill, (202) 634–1410.

William M. Hill, Jr.,

Office of the Secretary.

March 3, 1988.

[FR Doc. 88–5165 Filed 3–4–88; 3:46 pm]

BILLING CODE 7590–01–M

SECURITIES AND EXCHANGE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: (53 FR 5683 February 25, 1988).

STATUS: Closed meeting.

PLACE: 450 5th Street, NW., Washington, DC.

DATE PREVIOUSLY ANNOUNCED: Monday, February 22, 1988.

CHANGES IN THE MEETING: Additional item.

The following additional item was considered at a closed meeting scheduled on Tuesday, March 1, 1988, at 2:00 p.m.

Litigation matter.

Commissioner Grundfest, as duty officer, determined that Commission business required the above change.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Brent Taylor at (202) 272–2014.

Jonathan G. Katz,

Secretary.

March 2, 1988.

[FR Doc. 88–5119 Filed 3–4–88; 1:19 pm]

BILLING CODE 8010–01–M

Corrections

Federal Register
Vol. 53, No. 45
Tuesday, March 8, 1988

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents and volumes of the Code of Federal Regulations. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 7

Whiskeytown Unit; Whiskeytown-Shasta-Trinity National Recreation Area; Gold Panning Regulations

Correction

In proposed rule document 88-2681 beginning on page 3759 in the issue of Tuesday, February 9, 1988, make the following correction:

§ 7.91 [Corrected]

On page 3760, in the second column, in § 7.91(d)(3)(i), in the first line, "any method" should read "any other method".

BILLING CODE 1505-01-D

MERIT SYSTEMS PROTECTION BOARD

Performance Improvement Periods in Chapter 43 Actions

Correction

In notice document 88-4483, beginning on page 6712 in the issue of Wednesday, March 2, 1988, make the following corrections:

1. On page 6712, in the third column, under **ADDRESS**, in the third line, "Brief" was misspelled.

2. On the same page, in the same column, under **SUPPLEMENTARY INFORMATION**, in the first paragraph, in the eighth line, and in the third paragraph, in the first line, "OMP" should read "OPM".

3. Make the same correction on page 6713, in the first column, in the third line.

4. Also on page 6713, in the second column, in paragraph b, in the 12th line, "be" should read "a".

BILLING CODE 1505-01-D

federal register

Tuesday
March 8, 1988

Part II

Department of Transportation

Federal Aviation Administration

14 CFR Part 71

Proposed Establishment of Airport Radar Service Areas; Notice of Proposed Rulemaking

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 88-AWA-2]

Proposed Establishment of Airport Radar Service Areas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish an Airport Radar Service Area (ARSA) at Fresno Air Terminal, CA; Moline Quad City Airport, IL; Monterey Peninsula Airport, CA; and Greater Peoria Airport, IL. With the exception of Fresno, each location is an airport at which a nonregulatory Terminal Radar Service Area (TRSA) is currently in effect. Establishment of each ARSA would require that pilots maintain two-way radio communication with air traffic control (ATC) while in the ARSA. Implementation of ARSA procedures at each of the affected locations would promote the efficient control of air traffic and reduce the risk of midair collision in terminal areas.

DATES: Comments must be received on or before June 17, 1988. Informal airspace meeting dates are as follows: Fresno Air Terminal, CA—May 18, 1988; Moline Quad City Airport, IL—May 12, 1988; Monterey Peninsula Airport, CA—May 16, 1988; and Greater Peoria Airport, IL—May 18, 1988.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket [AGC-204], Airspace Docket No. 88-AWA-2, 800 Independence Avenue SW., Washington, DC 20591.

The informal airspace meeting places are as follows:

Fresno Air Terminal, CA, ARSA

Date: May 18, 1988
Time: 7:00 p.m.
Location: National Guard Armory, 5140 East Dakota Avenue, Fresno, CA

Moline Quad City Airport, IL, ARSA

Date: May 12, 1988
Time: 7:00 p.m.
Location: Elliott Beechcraft, Quad City Airport, Moline, IL

Monterey Peninsula Airport, CA, ARSA

Date: May 16, 1988
Time: 7:00 p.m.
Location: Ingersoll Hall, Naval Post Graduate School, Third and Sloat, Monterey, CA

Greater Peoria Airport, IL, ARSA

Date: May 18, 1988
Time: 7:00 p.m.
Location: Byerley Aviation Hangar, Greater Peoria Airport, Peoria, IL.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue SW., Washington, DC.

The informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Joe Gill, Airspace Branch (ATO-240), Airspace—Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267-9252.

SUPPLEMENTARY INFORMATION:

Comments Invited

This notice involves four locations. Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 88-AWA-2." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA-230, 800 Independence Avenue SW., Washington, DC. 20591, or by calling (202) 267-3484. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

Meeting Procedures

In addition to seeking written comments on this proposal, the FAA will hold informal airspace meetings for the proposed ARSA locations in order to receive additional input with respect to the proposal. The dates, times, and places for these meetings are listed above. Persons who plan to attend the meetings should be aware of the following procedures to be followed:

(a) The meetings will be informal in nature and will be conducted by the designated representative of the Administrator. Each participant will be given an opportunity to make a presentation.

(b) There will be no admission fee or other charge to attend and participate. The meetings will be open to all persons on a space-available basis. The FAA representative may accelerate the agenda to enable early adjournment if the progress of the meetings is more expeditious than planned.

(c) The meetings will not be recorded. A summary of the comments made at these meetings will be filed in the docket.

(d) Position papers or other handout material relating to the substance of the meetings may be accepted. Participants submitting handout materials should present an original and two copies to the presiding officer. There should be an adequate number of copies provided for further distribution to all participants.

(e) Statements made by FAA participants at the meetings should not be taken as expressing a final FAA position.

Agenda

Presentation of Meeting Procedures
FAA Presentation of Proposal
Public Presentations and Discussion

Background

On April 22, 1982, the National Airspace Review (NAR) plan was published in the **Federal Register** (47 FR 17448). The plan encompassed a review of airspace use and procedural aspects of the ATC system. Among the main objectives of the NAR was the

improvement of the ATC system by increasing efficiency and reducing complexity. In its review of terminal airspace, NAR Task Group 1–2 concluded that TRSA's should be replaced. Four types of airspace configurations were considered as replacement candidates, of which Model B, since redesignated ARSA, was the consensus recommendation.

In response, the FAA published NAR Recommendation 1–2.2.1, "Replace Terminal Radar Service Areas with Model B Airspace and Service" in Notice 83–9 (July 28, 1983; 48 FR 34286) proposing the establishment of ARSA's at the Robert Mueller Municipal Airport, Austin, TX, and the Port of Columbus International Airport, Columbus, OH. ARSA's were designated at these airports on a temporary basis by SFAR No. 45 (October 28, 1983; 48 FR 50038) in order to provide an operational confirmation of the ARSA concept for potential application on a national basis.

Following a confirmation period of more than a year, the FAA adopted the NAR recommendation and, on February 27, 1985, issued a final rule (50 FR 9252; March 6, 1985) defining an ARSA and establishing air traffic rules for operation within such an area. Concurrently, by separate rulemaking action, ARSA's were permanently established at the Austin, TX, and Columbus, OH, airports and also at the Baltimore/Washington International Airport, Baltimore, MD, (50 FR 9250; March 6, 1985). The FAA has stated that future notices would propose ARSA's for other airports at which TRSA procedures were in effect.

Additionally, the NAR Task Group recommended that the FAA develop quantitative criteria for proposing to establish ARSA's at locations other than those which are included in the TRSA replacement program. The task group recommended that these criteria take into account, among other things, traffic mix, flow and density, airport configuration, geographical features, collision risk assessment, and ATC capabilities to provide service to users. This criteria has been developed and is being published via the FAA directives system.

The FAA has established ARSA's at 101 locations under a paced implementation plan to replace TRSA's with ARSA's. This is one of a series of notices to implement ARSA's at locations with TRSA's or locations without TRSA's which warrant implementation of an ARSA.

Related Rulemaking

This notice proposes ARSA designation at four locations identified as candidates for an ARSA in the preamble to Amendment No. 71–10 (50 FR 9252). Other candidate locations will be proposed in future notices published in the **Federal Register**.

The Current Situation at the Proposed ARSA Locations

A TRSA is currently in effect at three of the locations at which ARSA's are proposed in this notice. Fresno is a radar facility currently providing Stage II service. A TRSA consists of the airspace surrounding a designated airport where ATC provides radar vectoring, sequencing, and separation for all aircraft operating under instrument flight rules (IFR) and for participating aircraft operating under visual flight rules (VFR). Stage II service, with the exception of separation, provides the same. TRSA airspace and operating rules are not established by regulation, and participation by pilots operating under VFR is voluntary, although pilots are urged to participate. This level of service is known as Stage III and is provided at all locations identified as TRSA's. The NAR task group recommended the replacement of most TRSA's with ARSA's.

A number of problems with the TRSA program were identified by the task group. The task group stated that because there are different levels of service offered within the TRSA, users are not always sure of what restrictions or privileges exist, or how to operate with them. According to the task group, there is a shared feeling among users that TRSA's are often poorly defined, are generally dissimilar in dimensions, and encompass more area than is necessary or desirable. There are other users who believe that the voluntary nature of the TRSA does not adequately adddress the problems associated with nonparticipating aircraft operating in relative proximity to the airport and associated approach and departure courses. There is strong advocacy among user organizations that terminal radar facilities should provide all pilots the same service, in the same way, and, to the extent feasible, within standard size airspace designations.

Certain provisions of FAR § 91.87 can exacerbate a problem identified by the task group. For example, aircraft operating under VFR to or from a satellite airport and within the airport traffic area (ATA) of the primary airport are excluded from the two-way radio communications requirement of § 91.87. This condition is acceptable until the volume and density of traffic at the primary airport dictates further action. At the five proposed locations, the volume and density of traffic have increased to the point where the implementation of ARSA's is strongly recommended.

The Proposal

The FAA is considering an amendment to § 71.501 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish ARSA's at Fresno Air Terminal, CA; Moline Quad City Airport, IL; Monterey Peninsula Airport, CA; and Greater Peoria Airport, IL, which are public airports, three of which currently have nonregulatory TRSA's in effect. The proposed locations are depicted on charts to this notice.

FAA regulations, 14 CFR 91.88, define ARSA and prescribe operating rules for aircraft, ultralight vehicles, and parachute jump operations in airspace designated as an ARSA. The ARSA rule provides in part that, prior to entering the ARSA, any aircraft arriving at any airport in an ARSA or flying through an ARSA must: (1) Establish two-way radio communications with the ATC facility having jurisdiction over the area, and (2) while in the ARSA, maintain two-way radio communications with that ATC facility. For aircraft departing from the primary airport within the ARSA, two-way radio communications must be maintained with the ATC facility having jurisdiction over the area. For aircraft departing a satellite airport within the ARSA, two-way radio communications must be established as soon as practicable after takeoff with the ATC facility having jurisdiction over the area, and thereafter maintained while operating within the ARSA.

All aircraft operating within an ARSA are required to comply with all ATC clearances and instructions and any FAA arrival or departure traffic pattern for the airport of intended operation. However, the rule permits ATC to authorize appropriate deviations to any of the operating requirements of the rule when safety considerations justify the deviation or more efficient utilization of the airspace can be attained. Ultralight vehicle operations and parachute jumps in an ARSA may only be conducted under the terms of an ATC authorization.

The FAA adopted the NAR task group recommendation that each ARSA be of the same airspace configuration insofar as practicable. The standard ARSA consists of airspace within 5 nautical miles of the primary airport extending from the surface to an altitude of 4,000 feet above that airport's elevation, and

that airspace between 5 and 10 nautical miles from the primary airport from 1,200 feet above the surface to an altitude of 4,000 feet above that airport's elevation. Proposed deviation from the standard has been necessary at some airports due to adjacent regulatory airspace, international boundaries, topography, or unusual operational requirements.

Definitions, operating requirements, and specific airspace designations applicable to ARSA may be found in 14 CFR Part 71, § 71.14 and § 71.501, and Part 91, § 91.1 and § 91.98.

For the reasons discussed under "Regulatory Evaluation," the FAA has determined that this proposed regulation is not a "major rule" under Executive Order 12291 and is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

Regulatory Evaluation

The FAA has conducted a Regulatory Evaluation of the proposed establishment of these additional ARSA sites. The major findings of that evaluation are summarized below, and the evaluation is available in the regulatory docket.

a. Costs

Costs which potentially could result from the establishment of additional ARSA sites fall into the following categories:

(1) Air traffic controller staffing, controller training, and facility equipment costs incurred by the FAA.

(2) Costs associated with the revision of charts, notification of the public, and pilot education.

(3) Additional operating costs for circumnavigating or flying over the ARSA.

(4) Potential delay costs resulting from operations within an ARSA.

(5) The need for some operators to purchase radio transceivers.

(6) Miscellaneous costs.

It has been the FAA's experience, however, that these potential costs do not materialize to any appreciable degree, and when they do occur, they are transitional, relatively low in magnitude, or attributable to specific implementation problems that have been experienced at a very small minority of ARSA sites. The reasons for these conclusions are presented below.

FAA expects that the additional ARSA sites proposed in this notice can be implemented without requiring additional controller personnel above current authorized staffing levels, because participation in radar services at these locations is already quite high, and the separation standards permitted in ARSA's will allow controllers to absorb the slight increase in participating traffic by handling all traffic much more efficiently. Further, because controller training will be conducted during normal working hours and these facilities already operate the necessary radar equipment, FAA does not expect to incur any appreciable implementation costs. Essentially, the FAA will modify its terminal radar procedures at the proposed ARSA sites in a manner that will make more efficient use of existing resources.

No additional costs are expected to be incurred because of the need to revise sectional charts to incorporate the new ARSA airspace boundaries. Changes of this nature are routinely made during charting cycles, and the planned effective dates for newly established ARSA's are scheduled to coincide with the regular 6-month chart publication intervals.

This rulemaking proceeding and process will satisfy much of the need to notify the public and educate pilots about ARSA operations. The informal public meeting being held at each location where an ARSA is being proposed provides pilots with the best opportunity to learn both how an ARSA works and how it will affect their local operations. The expenses associated with these public meetings are considered costs attributable to the rulemaking process; however, any public information costs following establishment of a new ARSA are strictly attributable to the ARSA. The FAA expects to distribute a Letter to Airmen to all pilots residing within 50 miles of ARSA sites explaining the operation and configuration of the ARSA finally adopted. The FAA also has issued an Advisory Circular on ARSA's. The combined Letter to Airmen and prorated Advisory Circular costs have been estimated to be approximately $500 for each ARSA site. This cost is incurred only once upon the initial establishment of an ARSA.

Information on ARSA's following the establishment of additional sites will also be disseminated at aviation safety seminars conducted throughout the country by various district offices. These seminars are regularly provided by the FAA to discuss a variety of aviation safety issues and, therefore, will not involve additional costs strictly as a result of the ARSA program. Additionally, no significant costs are expected to be incurred as a result of the follow-on user meetings that will be held at each site following implementation of the ARSA which will allow users to provide feedback to the FAA on local ARSA operations. These meetings are being held at public or other facilities which are being provided free of charge or at nominal cost. Further, because these meetings are being conducted by local FAA facility personnel, no travel, per diem, or overtime costs will be incurred by regional or headquarters personnel.

FAA anticipates that some pilots who currently transit a TRSA without establishing radio communications or participating in radar services may choose to circumnavigate the mandatory participation airspace of an ARSA rather than participate. Some minor delay costs will be incurred by these pilots because of the additional aircraft variable operating cost and lost crew and passenger time resulting from the deviation. Other pilots may elect to overfly the ARSA, or transit below the 1,200 feet above ground level (AGL) floor between the 5- and 10-nautical-mile rings. Although this will not result in any appreciable delay, a small additional fuel burn will result from the climb portion of the altitude adjustment (which will be offset somewhat by the descent).

FAA recognizes that the potential exists for delay to develop at some locations following establishment of an ARSA. The additional traffic that the radar facilities will be handling as a result of the mandatory participation requirement may, in some instances, result in minor delays to aircraft operations. FAA does not expect such delay to the appreciable. FAA expects that the greater flexibility afforded controllers in handling traffic as a result of the separation standards allowed in an ARSA will keep delay problems to a minimum. Those that do occur will be transitional in nature, diminishing as facilities gain operating experience with ARSA's and learn how to tailor procedures and allocate resources to take fullest advantage of the efficiencies that an ARSA will permit. This has been the experience at most of the locations where ARSA's have been in effect for the longest period of time and is the recurring trend at the locations that have been more recently designated.

The FAA does not expect that any operator will find it necessary to install radio transceivers as a result of establishing the ARSA's proposed in this notice. Aircraft operating to and from primary airports already are required to have two-way radio communications capability because of existing airport traffic areas and, therefore, will not incur any additional costs as a result of the proposed ARSA's. Further, the FAA has made an

effort to minimize these potential costs throughout the ARSA program by providing airspace exclusions, or cutouts, for satellite airports located within 5 nautical miles of the ARSA center where the ARSA would otherwise have extended down to the surface. Procedural agreements between the local ATC facility and the affected airports have also been used to avoid radio installation costs.

At some proposed ARSA locations, special situations might exist where establishment of an ARSA could impose certain costs on users of that airspace. However, exclusions, cutouts, and special procedures have been used extensively throughout the ARSA program to alleviate adverse impacts on local fixed base and airport operators. Similarly, the FAA has eliminated potential adverse impacts on existing flight training practice areas, as well as soaring, ballooning, parachuting, ultralight and banner towing activities, by developing special procedures to accommodate these activities through local agreements between ATC facilities and the affected organizations. For these reasons, the FAA does not expect that any such adverse impact will occur at the candidate ARSA sites proposed in this notice.

b. Benefits

Much of the benefit that will result from ARSA's is nonquantifiable and is attributable to simplification and standardization of ARSA configurations and procedures. Further, once experience is gained in ARSA operations, the flexibility allowed air traffic controllers in handling traffic within an ARSA will enable them to move traffic with both efficiently and increased safety.

Some of the benefits of the ARSA cannot be specifically attributed to individual candidate airports, but rather will result from the overall inprovements in terminal area ATC procedures realized as ARSA's are implemented throughout the country. ARSA's have the potential of reducing both near and actual midair collisions at the airports where they are established. Based upon the experience at the Austin and Columbus ARSA confirmation sites, FAA estimates that near midair collisions may be reduced by approximately 35 to 40 percent. Further, FAA estimates that implementation of the ARSA program nationally may prevent approximately one midair collision every 1 to 2 years throughout the United States. The quantifiable benefits of preventing a midair collision can range from less than $100,000, resulting from the prevention of a minor nonfatal accident between general aviation aircraft, to $300 million or more, resulting from the prevention of a midair collision involving a large air carrier aircraft and numerous fatalities. Establishment of ARSA's at the sites proposed in the notice will contribute to these improvements in safety.

c. Comparison of Costs and Benefits

A direct comparison of the costs and benefits of this proposal is difficult for a number of reasons. Many of the benefits of the rule are nonquantifiable, and it is difficult to specifically attribute the standardization benefits, as well as the safety benefits, to individual candidate ARSA sites.

FAA expects that any adjustment problems that may be experienced at the ARSA locations proposed in this notice will only be temporary, and that once established, the ARSA's will result in efficient terminal area operations. This has been the experience at the vast majority of ARSA sites that have already been implemented. In addition, establishment of the proposed ARSA sites will contribute to a reduction in near and actual midair collisions. For these reasons, FAA expects that establishment of the ARSA sites proposed in this notice will produce long term, ongoing benefits that will far exceed their costs, which are essentially transitional in nature.

International Trade Impact Analysis

This proposed regulation will only affect terminal airspace operating procedures at selected airports within the United States. As such, it will have no affect on the sale of foreign aviation products or services in the United States, nor will it affect the sale of United States aviation products or services in foreign countries.

Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (RFA) was enacted by Congress to ensure that small entities are not unnecessarily and disproportionately burdened by government regulations. Small entities are independently owned and operated small businesses and small not-for-profit organizations. The RFA requires agencies to review rules that may have "a significant economic impact on a substantial number of small entities."

The small entities that potentially could be affected by implementation of the ARSA program include the fixed-base operators, flight schools, agricultural operators and other small aviation businesses located at satellite airports within 5 nautical miles of the ARSA center. If the mandatory participation requirement were to extend down to the surface at these airports, where under current regulations participation in radar services and radio communication with ATC is voluntary, operations at airports inside the core might be altered, and some business could be lost to airports outside of the ARSA core. FAA has proposed to exclude many satellite airports located within 5 nautical miles of the primary airport at candidate ARSA sites to avoid adversely impacting their operations and to simplify coordinating ATC responsibilities between the primary and satellite airports. In some cases, the same purposes will be achieved through Letters of Agreement between ATC and the affected airports that establish special procedures for operating to and from these airports. In this manner, FAA expects to eliminate any adverse impact on the operations of small satellite airports that potentially could result from the ARSA program. Similarly, FAA expects to eliminate potentially adverse impacts on existing flight training practice areas, as well as soaring, ballooning, parachuting, ultralight, and banner towing activities, by developing special procedures that will accommodate these activities through local agreements between ATC facilities and the affected organizations. FAA has utilized such arrangements extensively in implementing the ARSA's that have been established to date.

Further, because the FAA expects that any delay problems that may initially develop following implementation of an ARSA will be transitory, and because the airports that will be affected by the ARSA program represent only a small proportion of all the public use airports in operation within the United States, small entities of any type that use aircraft in the course of their business will not be adversely impacted.

For these reasons, the FAA certifies that the proposed regulation, if adopted, will not result in a significant economic impact on a substantial number of small entities, and a regulatory flexibility analysis is not required under the terms of the RFA.

List of Subjects in 14 CFR Part 71

Aviation safety, Airport radar service areas.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); 14 CFR 11.69.

§ 71.501 [Amended]

2. Section 71.501 is amended as follows:

Fresno Air Terminal, CA [New]

That airspace within a 5-mile radius of the Fresno Air Terminal (lat. 36°46'28" N., long. 119°42'58" W.), extending upward from the surface to and including 4,400 feet MSL; and that airspace within a 10-mile radius of the airport extending upward from 1,600 feet MSL to and including 4,400 feet MSL.

Moline Quad City Airport, IL [New]

That airspace within a 5-mile radius of the Moline Quad City Airport (lat. 41°26'55" N., long. 90°30'29" W.) extending upward from the surface to and including 4,600 feet MSL; and that airspace within a 10-mile radius of the airport extending upward from 2,200 feet MSL to and including 4,600 feet MSL.

Monterey Peninsula Airport, CA [New]

That airspace within a 5-mile radius of the Monterey Peninsula Airport (lat. 36°35'19" N., long. 121°50'52" W.) extending upward from the surface to and including 4,200 feet MSL; and that airspace within a 10-mile radius of the airport beginning at the Pacific Ocean shoreline southwest of the airport clockwise to the 140° bearing from the airport extending upward from 1,500 feet MSL to and including 4,200 feet MSL; and that airspace within a 10-mile radius of the airport beginning at the 140° bearing from the airport clockwise to the Pacific Ocean shoreline, extending upward from 3,200 feet MSL to and including 4,200 feet MSL. The airspace contained within Restricted Area R–2511 is excluded when it is in use.

Greater Peoria Airport, IL [New]

That airspace within a 5-mile radius of the Greater Peoria Airport (lat. 40°39'53" N., long. 89°41'31" W.) extending upward from the surface to and including 4,700 feet MSL; and that airspace within a 10-mile radius of the airport extending upward from the surface to and including 4,700 feet MSL, from the 284° bearing from the airport clockwise to the 154° bearing from the airport; and that airspace within a 10-mile radius of the airport extending upward from 1,800 feet MSL to and including 4,700 feet MSL from the 154° bearing from the airport clockwise to the 284° bearing from the airport.

Issued in Washington, DC, on March 1, 1988.

Daniel J. Peterson,

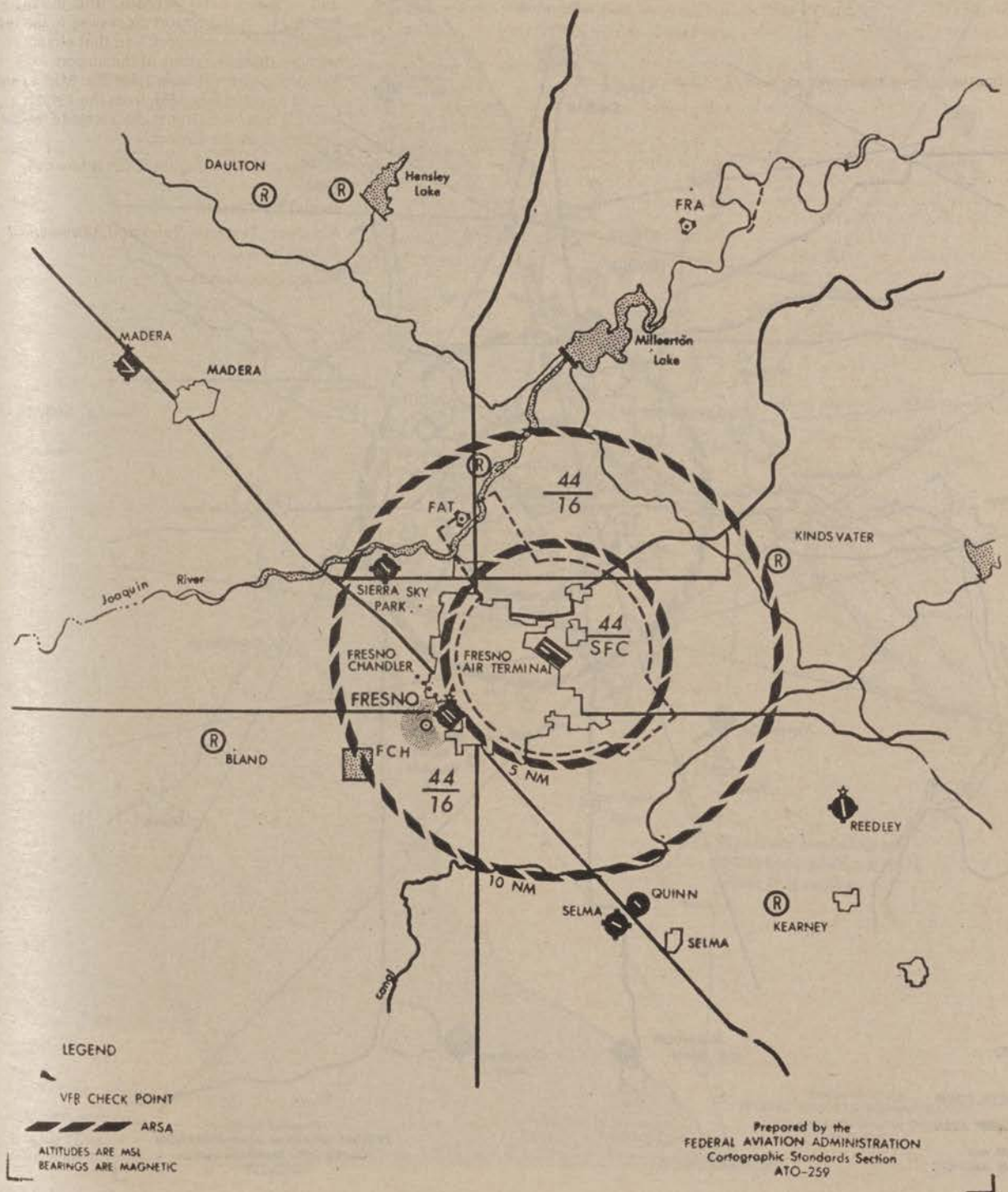
Manager, Airspace-Rules and Aeronautical Information Division.

BILLING CODE 4910-13-M

AIRPORT RADAR SERVICE AREA

(NOT TO BE USED FOR NAVIGATION)

FRESNO, CALIFORNIA
FRESNO AIR TERMINAL
FIELD ELEV. 332' MSL

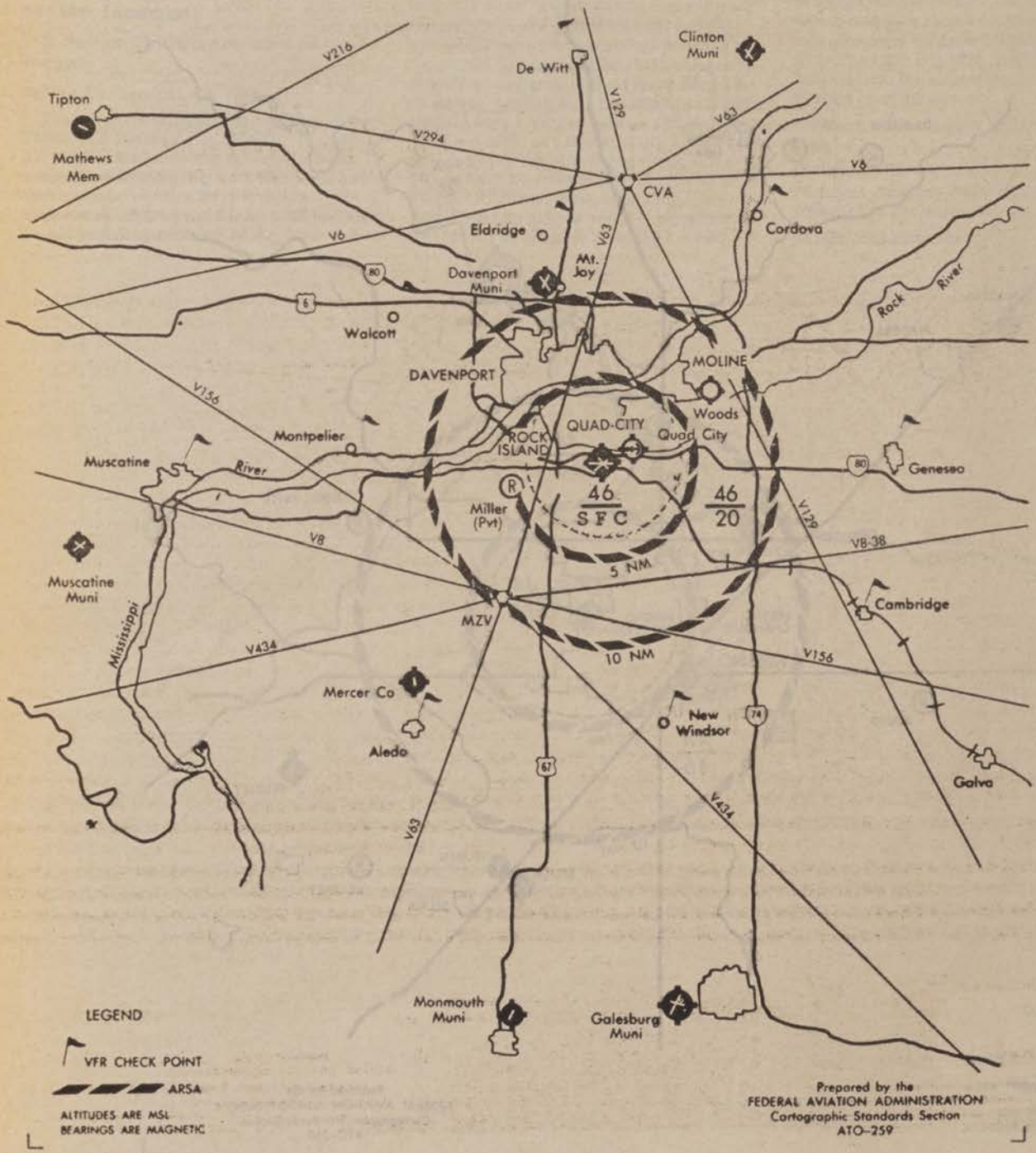


Prepared by the
FEDERAL AVIATION ADMINISTRATION
Cartographic Standards Section
ATO-259

AIRPORT RADAR SERVICE AREA

(NOT TO BE USED FOR NAVIGATION)

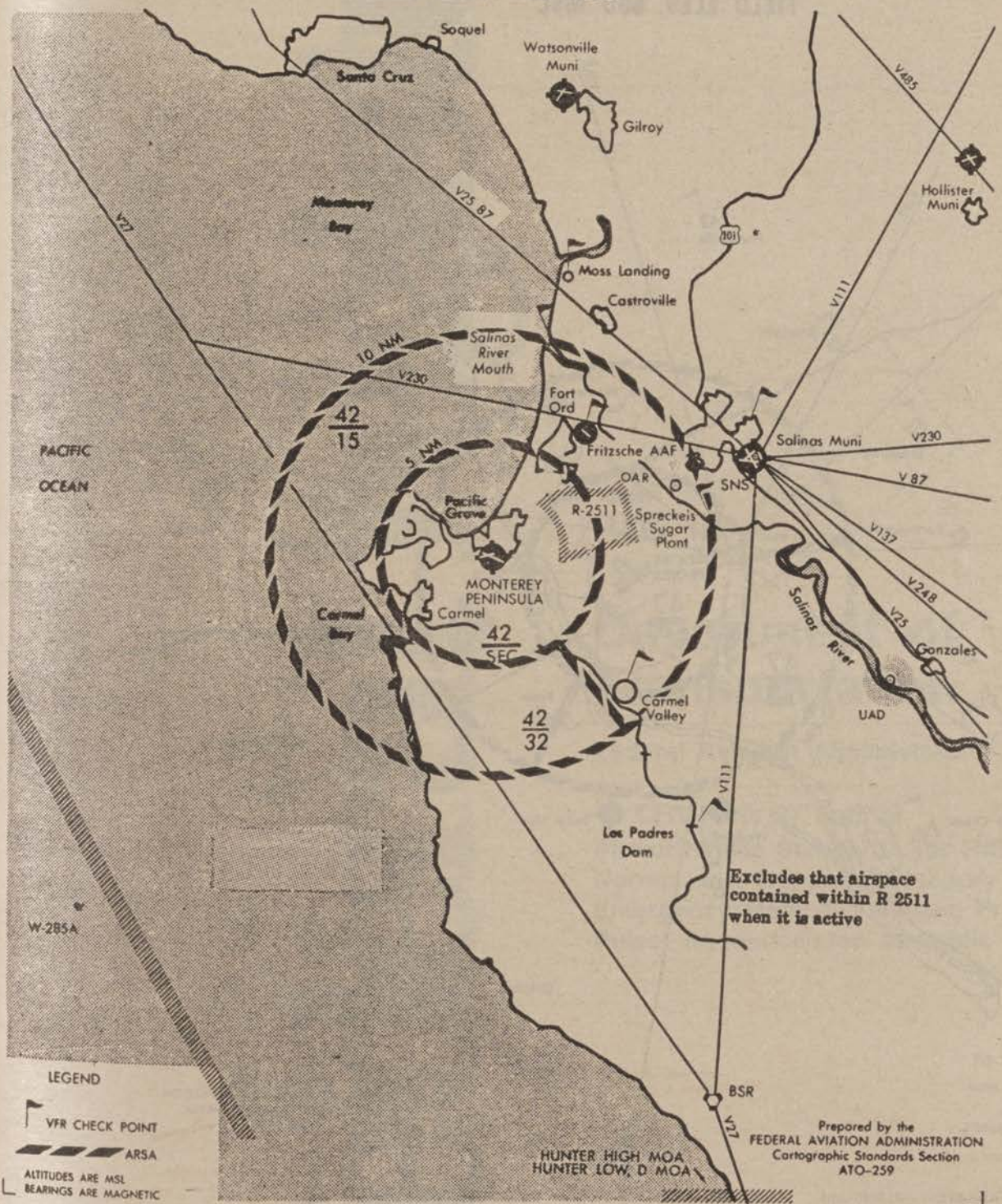
MOLINE, ILLINOIS
QUAD CITY AIRPORT
FIELD ELEV. 589' MSL



AIRPORT RADAR SERVICE AREA

(NOT TO BE USED FOR NAVIGATION)

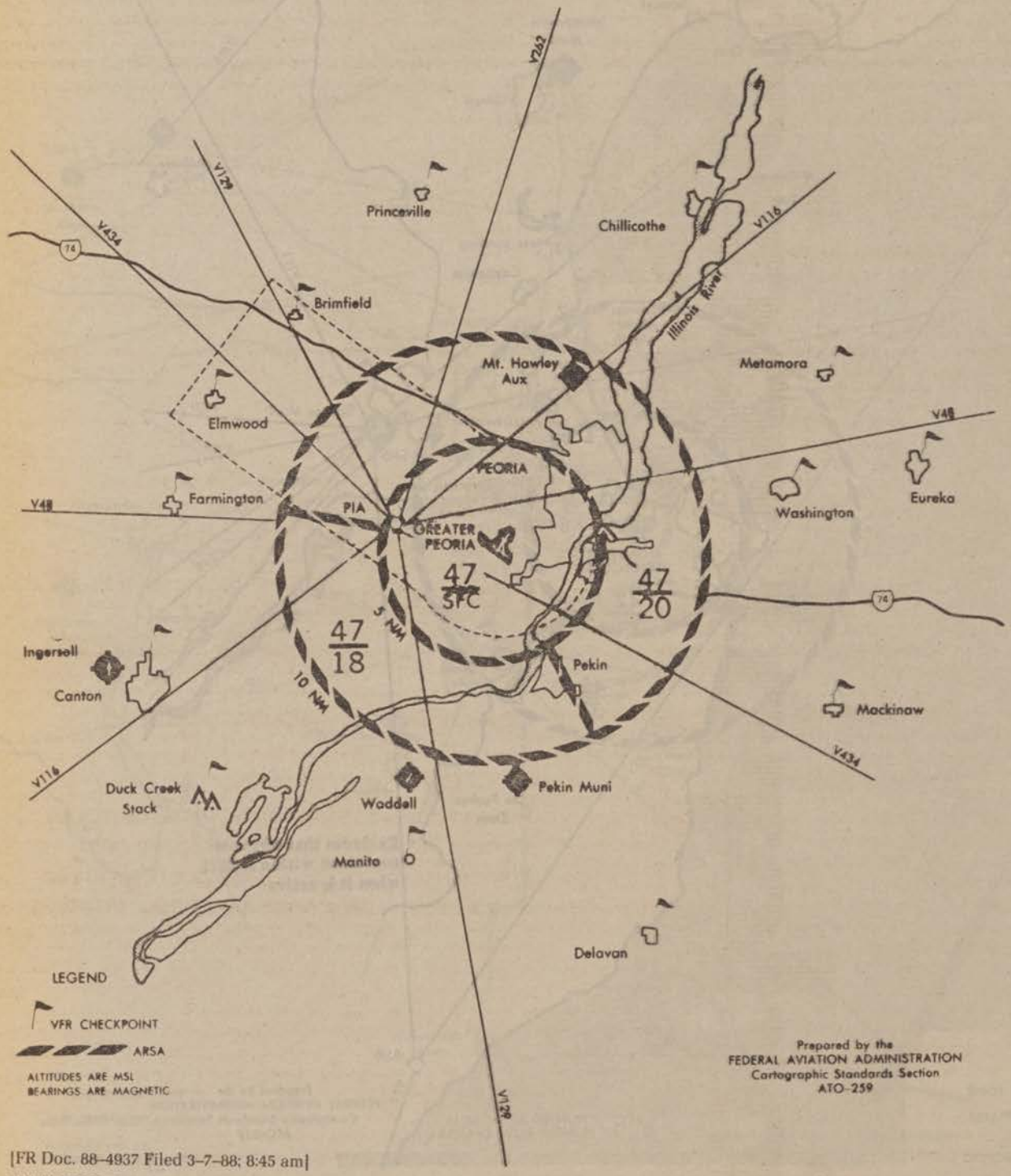
MONTEREY, CALIFORNIA
MONTEREY PENINSULA AIRPORT
FIELD ELEV. 244' MSL



AIRPORT RADAR SERVICE AREA

(NOT TO BE USED FOR NAVIGATION)

PEORIA, ILLINOIS
GREATER PEORIA AIRPORT
FIELD ELEV. 660' MSL



[FR Doc. 88-4937 Filed 3-7-88; 8:45 am]

BILLING CODE 4910-13-C

federal register

Tuesday
March 8, 1988

Part III

Department of Transportation

Federal Aviation Administration

14 CFR Parts 27 and 29

Airworthiness Standards for Rotorcraft; Normal and Transport Category and Emergency Medical Services; Proposed Rules; Announcement of Public Meeting

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 27 and 29

[Docket No. 25287; Notice No. 87-4]

Occupant Restraint in Normal and Transport Category Rotorcraft

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Proposed rule; announcement of public meeting and reopening of comment period.

SUMMARY: This notice announces that the comment period for the notice of proposed rulemaking which concerns occupant restraint in normal and transport category rotorcraft (52 FR 20938; June 3, 1987) is being reopened to allow additional time for comment. This notice also announces that a public meeting will be held to discuss this proposed rule.

DATES: The public comment period which closed December 30, 1987, is being reopened until May 6, 1988.

The public meeting will begin at 9 a.m. on April 20, 1988.

ADDRESSES: Comments on the notice may be mailed in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, ATTN: Rules Docket (AGC-10), Docket No. 25287, 800 Independence Avenue SW., Washington, DC 20591.

The meeting will be held at the FAA, Southwest Region, Training Room, Room 167, Building 3B, 4400 Blue Mound Road, Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT: Mr. J.H. Major, FAA, Rotorcraft Standards Staff, Fort Worth, Texas 76193-0111, telephone (817) 624-5117

SUPPLEMENTARY INFORMATION: Notice 87-4 proposes to revise Parts 27 and 29 of the Federal Aviation Regulations (FAR). The proposals would add the dynamic crash impact design requirement conditions for seat and occupant restraint systems, increase the static design load factors for seating devices and items of mass in the cabin or adjacent to the cabin as prescribed, prescribe a shoulder harness for each occupant, and add human impact injury criteria for the dynamic crash impact conditions. These proposals are intended to significantly improve occupant protection levels in a survivable emergency landing impact.

As a result of substantial opposition to some of the proposals by small domestic rotorcraft manufacturers, foreign rotorcraft manufacturers, and foreign airworthiness authorities, the FAA has determined that a public meeting is necessary. The diverging positions of these important segments of the rotorcraft community and the larger domestic manufacturers merit extending the comment period and allowing a public forum for presentation of the issues involved.

Accordingly, the comment period is extended, and a public meeting has been scheduled.

Issued in Fort Worth, Texas, on February 26, 1988.

Don P. Watson,

Acting Director, Southwest Region.

[FR Doc. 88-4933 Filed 3-7-88; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Parts 27 and 29

Emergency Medical Services (EMS) Configuration Airworthiness and Operational Forum

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Announcement of public meeting.

SUMMARY: This notice announces a public meeting to discuss current EMS issues that are related to the application of rotorcraft airworthiness and operational standards for both normal and transport category rotorcraft.

DATE: The public meeting will be held on April 20, 1988

ADDRESS: The meeting will be held at the FAA, Southwest Region, Training Room, Room 167, Building 3B, 4400 Blue Mound Road, Fort Worth, Texas

FOR FURTHER INFORMATION CONTACT: Mr. J.H. Major, FAA, Rotorcraft Standards Staff, Fort Worth, Texas 76193-0111, telephone (817) 624-5117 or Mr. Max Halliburton, FAA, Operations Branch, Flight Standards Division, Fort Worth, Texas 76193-0265, telephone (817) 624-5265.

SUPPLEMENTARY INFORMATION: The FAA is seeking input from all segments of industry and foreign airworthiness authorities regarding the possible need for advisory material and regulatory changes to assure safety and standardization of certification of rotorcraft designed for use in EMS operations.

Some issues which will be considered include but are not limited to the following:

(1) Patient oxygen systems and other life support systems.

(2) Seat, berth, and litter design criteria or standards.

(3) Patient incubators (isolettes) and power supply assurance.

(4) Shoulder harnesses.

(5) Emergency evacuation criteria or standards.

(6) Occupant protection.

(7) Operations specifications.

(8) Weather minimums.

(9) Flight and rest requirements.

(10) Training requirements.

In the interest of conservation of time and travel resources of meeting participants, the FAA has scheduled this EMS meeting to immediately follow a meeting to discuss Notice of Proposed Rulemaking No. 87-4 (52 FR 20938; June 3, 1987) on occupant restraint in rotorcraft which will begin at 9 a.m. on April 20, 1988. (See notice, this issue of **Federal Register.**) The EMS discussion will begin immediately following the close of discussion of the occupant restraint proposals and may continue the following day, if necessary.

Issued in Fort Worth, Texas, on February 26, 1988.

Don P. Watson,

Acting Director, Southwest Region.

[FR Doc. 88-4934 Filed 3-7-88; 8:45 am]

BILLING CODE 4910-13-M

Federal Register

Tuesday
March 8, 1988

Part IV

Department of the Interior

Minerals Management Service

Training and Qualifications of Personnel In Well-Control Training; Notice of Approval

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Training and Qualifications of Personnel in Well-Control Training Schools

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of approved well-control training schools.

SUMMARY: As published in the **Federal Register** on December 21, 1978, (43 FR 59551) the Minerals Management Service (MMS) is providing, for public information, a current list of MMS approved well-control schools.

FOR FURTHER INFORMATION CONTACT: Mr. T.C. Cable, Minerals, Management Service, Mail Stop 647, 12203 Sunrise Valley Drive, Reston, Virginia 22091, telephone (703) 648–7751.

SUPPLEMENTARY INFORMATION: On January 19, 1982, the MMS was established under Secretarial Order No. 3071. The **Federal Register** Notice of February 19, 1982, (47 FR 7508) published the MMSS–OCS–T 1 Training Standard, "Training and Qualifications of Personnel in Well-Control Equipment and Techniques for Drilling on Offshore Locations," Second Edition. The following is a list of MMS approved well-control schools:

MMS Approved Well-Control Schools

Legend

Job Classification

RH—Rotary Helper
DM—Derrickman
DR—Driller
TP—Toolpusher
OR—Operator's Representative

Blowout-Preventer Stack Type

SUR—Surface BOP Stack
SUB—Subsea BOP Stack

It is anticipated that periodic Notices of this will be published in the future on an as needed basis.

Dated: February 24, 1988.

John B. Rigg,

Associate Director for Offshore Minerals Management.

BILLING CODE 4310-MR-M

BASIC SCHOOLS

No.	SCHOOL NAME	TYPE	CLASS	APPROVED	EXPIRES	COMMENTS
1	ALASKA VOCATIONAL TECHNICAL CENTER	SUR SUB	DR TP OR	04-23-88	04-23-92	
2	ARCO OIL AND GAS COMPANY	SUR SUB	TP OR	12-10-84	12-10-88	
3	BASIC RESEARCH AND TRAINING, INCORPORATED	SUR SUB	DR TP OR	11-09-84	11-09-88	
4	CHEVRON SERVICES COMPANY	SUR SUB	OR	02-10-86	02-10-90	
5	CITIES SERVICE COMPANY	SUR SUB	DR TP OR	06-19-87	06-19-91	
6	COLORADO NORTHWESTERN COMMUNITY COLLEGE	SUR SUB	DR TP OR	06-07-84	06-07-88	
7	CONOCO, INCORPORATED	SUR SUB	OR	11-01-86	11-01-90	
8	CUDD PRESSURE CONTROL, INCORPORATED	SUR SUB	DR TP OR	04-29-85	04-29-89	
9	DIAMOND M. COMPANY	SUR SUB	DR TP OR	05-31-87	05-31-91	
10	DIXILYN-FIELD DRILLING COMPANY	SUR SUB	DR TP OR	04-30-85	04-30-89	
11	DRILCO	SUR SUB	DR TP OR	12-07-84	12-07-88	
12	EASTERN NEW MEXICO UNIVERSITY	SUR SUB	DR TP OR	08-19-85	08-19-89	
13	EXXON COMPANY U.S.A	SUR SUB	DR TP OR	09-18-86	09-18-90	
14	GLOBAL MARINE DRILLING COMPANY	SUR SUB	DR TP OR	04-21-86	04-21-90	
15	H_2S SPECIALTIES, INC	SUR SUB	DR TP OR	04-21-86	04-21-90	
16	HOUSTON COMMUNITY COLLEGE	SUR SUB	DR TP OR	09-18-87	09-18-91	
17	IMCO SERVICES	SUR SUB	DR TP OR	07-06-86	07-06-90	
18	INTERNATIONAL DRILLING SCHOOLS	SUR SUB	DR TP OR	11-10-86	11-10-90	
19	LOFFLAND BROTHERS COMPANY	SUR	DR TP OR	01-24-88	01-24-92	
20	LOUISIANA STATE UNIVERSITY	SUR SUB	DR TP OR	11-10-86	11-10-90	
21	MILPARK DRILLING FLUIDS	SUR SUB	DR TP OR	01-18-87	01-18-91	
22	MURCHISON DRILLING SCHOOLS	SUR SUB	DR TP OR	05-29-87	05-29-91	
23	NL PETROLEUM SERVICES	SUR SUB	DR TP OR	07-02-87	07-02-91	
24	NORTHWESTERN MICHIGAN COLLEGE	SUR SUB	DR TP OR	02-04-85	02-04-89	
25	OCEAN DRILLING & EXPLORATION COMPANY (ODECO)	SUR SUB	DR TP OR	05-29-87	05-29-91	
26	ODESSA COLLEGE	SUR SUB	DR TP OR	05-11-88	05-11-92	
27	OILFIELD TRAINING CONSULTANTS	SUR SUB	DR TP OR	06-13-84	06-13-88	
28	OILFIELD TRAINING SEMINARS INCORPORATED	SUR SUB	DR TP OR	07-30-87	07-30-91	
29	OKLAHOMA PETROLEUM TRAINING CORPORATION	SUR SUB	DR TP OR	07-31-84	07-31-88	
30	OPERATORS, INC	SUR SUB	DR TP OR	07-01-84	07-01-88	
31	PARKER DRILLING COMPANY	SUR SUB	DR TP OR	10-29-84	10-29-88	
32	PENNSYLVANIA STATE UNIVERSITY	SUR SUB	DR TP OR	09-03-85	09-03-89	**
33	POOL OFFSHORE COMPANY	SUR SUB	DR TP OR	03-19-87	03-19-91	
34	PRENTICE TRAINING COMPANY	SUR SUB	DR TP OR	01-15-85	01-15-89	
35	PRESTON L. MOORE, INCORPORATED	SUR SUB	DR TP OR	04-20-86	04-20-90	*
36	READING & BATES DRILLING COMPANY	SUR SUB	DR TP OR	01-15-86	01-15-90	
37	RIKE SERVICE, INCORPORATED	SUR SUB	DR TP OR	10-16-87	10-16-91	

COMMENTS:
* = approval pending the results of onsite evaluation
** = subsea approval pending the results of onsite evaluation

BASIC SCHOOLS (continued)

No.	SCHOOL NAME	TYPE	CLASS	APPROVED	EXPIRED	COMMENTS
38	SANTA FE DRILLING COMPANY	SUR SUB	DR TP OR	05-29-88	to 05-29-92	
39	SEDCO FOREX	SUR SUB	DR TP OR	02-01-86	to 02-01-90	
40	SHELL OIL COMPANY	SUR SUB	DR TP OR	07-07-87	to 07-07-91	
41	SOHIO PETROLEUM COMPANY	SUR SUB	DR TP OR	01-24-85	to 01-24-89	
42	TEXACO	SUR SUB	DR TP OR	02-15-87	to 02-15-91	
43	THE TRAINING COMPANY INCORPORATED	SUR SUB	DR TP OR	01-06-87	to 01-06-91	
44	TRITON ENGINEERING SERVICES	SUR SUB	OR	03-11-87	to 03-11-91	
45	UINTAH BASIN AREA VOCATIONAL CENTER	SUR SUB	DR TP OR	01-04-85	to 01-04-89	
46	UNIVERSITY OF HOUSTON AT VICTORIA	SUR SUB	DR TP OR	10-04-86	to 10-04-90	
47	UNIVERSITY OF OKLAHOMA	SUR SUB	DR TP OR	07-10-87	to 07-10-91	
48	UNIVERSITY OF SOUTHWESTERN LOUISIANA	SUR SUB	DR TP OR	11-17-87	to 11-17-91	
49	UNIVERSITY OF TEXAS (PETEX)	SUR SUB	DR TP OR	05-08-87	to 05-08-91	
50	UNOCAL	SUR SUB	DR TP OR	09-16-84	to 09-16-88	
51	VENTURA COLLEGE	SUR SUB	DR TP OR	03-15-87	to 03-15-91	
52	WELL CONTROL SCHOOL	SUR SUB	DR TP OR	11-09-84	to 11-09-88	
53	WESTEC-TAFT COLLEGE	SUR SUB	DR TP OR	04-12-87	to 04-12-91	
54	WESTERN OCEANIC, INCORPORATED	SUR SUB	DR TP OR	05-01-85	to 05-01-89	
55	WESTERN WELL CONTROL SCHOOL	SUR SUB	DR TP OR	05-30-85	to 05-30-89	**

The following schools' Basic well-control programs have expired:

AMOCO PRODUCTION COMPANY	SUR SUB	OR	10-08-79	to 10-08-83	Expired
ATLANTIC PACIFIC MARINE CORPORATION	SUR SUB	DR TP OR	12-11-79	to 12-11-83	Expired
CAPE COD COMMUNITY COLLEGE	SUR SUB	DR TP OR	02-09-81	to 02-09-85	Expired
DELTA-US CORPORATION	SUR SUB	DR TP OR	07-05-82	to 07-05-86	Expired
DIGITRAN, INCORPORATED	SUR SUB	DR TP OR	05-31-80	to 05-31-84	Expired
DRESSER INDUSTRIES/MAGCOBAR	SUR SUB	DR TP OR	08-27-83	to 08-27-87	Expired
GULF OIL EXPL. AND PROD. COMPANY	SUR SUB	DR TP OR	09-12-83	to 02-10-86	Expired
KEYDRIL COMPANY	SUR SUB	DR TP OR	05-29-84	to 03-07-86	Expired
MAURER ENGINEERING, INCORPORATED	SUR SUB	DR TP OR	10-15-81	to 10-15-85	Expired
PETROLEUM TRAINING & TECHNICAL SERVICES	SUR SUB	DR TP OR	04-29-79	to 04-29-83	Expired
PRENTICE AND RECORDS ENTERPRISES, INC	SUR SUB	DR TP OR	05-07-83	to 05-07-87	Expired
ROCKY MOUNTAIN WELL CONTROL SCHOOL	SUR SUB	DR TP OR	02-09-83	to 02-01-84	Expired
SAIPEM SpA	SUR SUB	DR TP OR	12-12-85	to 01-01-87	Expired
SHELL OFFSHORE INCORPORATED	SUR SUB	DR TP OR	07-15-86	to 07-07-87	Expired
STURGIS/SHEFFIELD, INCORPORATED	SUR SUB	DR TP OR	05-14-82	to 05-14-86	Expired
TDA TRAINING, INCORPORATED	SUR SUB	DR TP OR	04-06-82	to 04-06-86	Expired

COMMENTS:
* = approval pending the results of onsite evaluation
** = subsea approval pending the results of onsite evaluation

REFRESHER SCHOOLS

No.	SCHOOL NAME	TYPE	CLASS	APPROVED	EXPIRED	COMMENTS
1	ALASKA VOCATIONAL TECHNICAL CENTER	SUR SUB	DR TP OR	04-23-88	to 04-23-92	
2	AMOCO PRODUCTION COMPANY	SUR SUB	OR	04-18-88	to 04-18-92	
3	ARCO OIL AND GAS COMPANY	SUR SUB	TP OR	12-10-84	to 12-10-88	
4	BASIC RESEARCH AND TRAINING, INCORPORATED	SUR SUB	DR TP OR	11-09-84	to 11-09-88	
5	CHEVRON SERVICES COMPANY	SUR SUB	OR	02-10-87	to 02-10-91	
6	CITIES SERVICE COMPANY	SUR SUB	DR TP OR	06-19-87	to 06-19-91	
7	COLORADO NORTHWESTERN COMMUNITY COLLEGE	SUR SUB	DR TP OR	06-07-84	to 06-07-88	
8	CONOCO, INCORPORATED	SUR SUB	OR	11-01-86	to 11-01-90	
9	CUDD PRESSURE CONTROL, INCORPORATED	SUR SUB	DR TP OR	04-29-85	to 04-29-89	
10	DIAMOND M. COMPANY	SUR SUB	DR TP OR	05-31-87	to 05-31-91	
11	DIXILYN-FIELD DRILLING COMPANY	SUR SUB	DR TP OR	04-30-85	to 04-30-89	
12	DRILCO	SUR SUB	DR TP OR	12-07-84	to 12-07-88	
13	EASTERN NEW MEXICO UNIVERSITY/ROSWELL	SUR SUB	DR TP OR	08-19-85	to 08-19-89	
14	GLOBAL MARINE DRILLING COMPANY	SUR SUB	DR TP OR	04-21-86	to 04-21-90	
15	H_2S SPECIALTIES, INC	SUR SUB	DR TP OR	04-21-86	t 04-21-90	*
16	HOUSTON COMMUNITY COLLEGE	SUR SUB	DR TP OR	09-18-87	to 09-18-91	
17	IMCO SERVICES	SUR SUB	DR TP OR	07-06-86	to 07-06-90	
18	INTERNATIONAL DRILLING SCHOOLS	SUR SUB	DR TP OR	11-10-86	to 11-10-90	
19	LOFFLAND BROTHERS COMPANY	SUR	DR TP OR	01-24-88	to 01-24-92	
20	LOUISIANA STATE UNIVERSITY	SUR SUB	DR TP OR	11-10-86	to 11-10-90	
21	MILPARK DRILLING FLUIDS	SUR SUB	DR TP OR	01-18-87	to 01-18-91	
22	MURCHISON DRILLING SCHOOLS	SUR SUB	DR TP OR	05-29-87	to 05-29-91	
23	NL PETROLEUM SERVICES	SUR SUB	DR TP OR	07-02-87	to 07-02-91	
24	NORTHWESTERN MICHIGAN COLLEGE	SUR SUB	DR TP OR	02-04-85	to 02-04-89	
25	OCEAN DRILLING & EXPLORATION COMPANY (ODECO)	SUR SUB	DR TP OR	05-29-87	to 05-29-91	
26	ODESSA COLLEGE	SUR SUB	DR TP OR	05-11-88	to 05-11-92	
27	OILFIELD TRAINING CONSULTANTS	SUR SUB	DR TP OR	06-13-84	to 06-13-88	
28	OILFIELD TRAINING SEMINARS INCORPORATED	SUR SUB	DR TP OR	07-30-87	to 07-30-91	
29	OKLAHOMA PETROLEUM TRAINING CORPORATION	SUR SUB	DR TP OR	07-31-84	to 07-31-88	
30	OPERATORS, INC	SUR SUB	DR TP OR	07-01-84	to 07-01-88	
31	PARKER DRILLING COMPANY	SUR SUB	DR TP OR	10-29-84	to 10-29-88	
32	PENNSYLVANIA STATE UNIVERSITY	SUR SUB	DR TP OR	09-03-85	to 09-03-89	**
33	POOL OFFSHORE COMPANY	SUR SUB	DR TP OR	03-19-87	to 03-19-91	
34	PRENTICE TRAINING COMPANY	SUR SUB	DR TP OR	01-15-85	to 01-15-89	
35	PRESTON L. MOORE, INCORPORATED	SUR SUB	DR TP OR	04-20-86	to 04-20-90	*
36	READING & BATES DRILLING COMPANY	SUR SUB	DR TP OR	01-15-86	to 01-15-90	
37	RIKE SERVICE INCORPORATED	SUR SUB	DR TP OR	10-16-87	to 10-16-91	

COMMENTS:
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** = subsea approval pending the results of onsite evaluation

REFRESHER SCHOOLS (continued)

No.	SCHOOL NAME	TYPE	CLASS	APPROVED	EXPIRES	COMMENTS
38	SANTA FE DRILLING COMPANY	SUR SUB	DR TP OR	05-29-88	to 05-29-92	
39	SEDCO FOREX	SUR SUB	DR TP OR	02-01-86	to 02-01-90	
40	SHELL OIL COMPANY	SUR SUB	DR TP OR	07-07-87	to 07-07-91	
41	SOHIO PETROLEUM COMPANY	SUR SUB	DR TP OR	01-24-85	to 01-24-89	
42	TEXACO	SUR SUB	DR TP OR	02-15-87	to 02-15-91	
43	THE TRAINING COMPANY INCORPORATED	SUR SUB	DR TP OR	01-06-87	to 01-06-91	
44	TRITON ENGINEERING SERVICES	SUR SUB	OR	03-11-87	to 03-11-91	
45	UINTAH BASIN AREA VOCATIONAL CENTER	SUR SUB	DR TP OR	01-04-85	to 01-04-89	
46	UNIVERSITY OF HOUSTON AT VICTORIA	SUR SUB	DR TP OR	10-04-86	to 10-04-90	
47	UNIVERSITY OF OKLAHOMA	SUR SUB	DR TP OR	07-10-87	to 07-10-91	
48	UNIVERSITY OF SOUTHWESTERN LOUISIANA	SUR SUB	DR TP OR	11-17-87	to 11-17-91	
49	UNIVERSITY OF TEXAS (PETEX)	SUR SUB	DR TP OR	05-08-87	to 05-08-91	
50	UNOCAL	SUR SUB	DR TP OR	09-16-84	to 09-16-88	
51	VENTURA COLLEGE	SUR SUB	DR TP OR	03-15-87	to 03-15-91	
52	WELL CONTROL SCHOOL	SUR SUB	DR TP OR	11-09-84	to 11-09-88	
53	WESTEC-TAFT COLLEGE	SUR SUB	DR TP OR	04-12-87	to 04-12-91	
54	WESTERN OCEANIC, INCORPORATED	SUR SUB	DR TP OR	05-01-85	to 05-01-89	
55	WESTERN WELL CONTROL SCHOOL	SUR SUB	DR TP OR	05-30-85	to 05-30-89	**

The following schools' Refresher well-control programs have expired:

ATLANTIC PACIFIC MARINE CORPORATION	SUR SUB	DR TP OR	12-11-79	to 12-11-83	Expired
CAPE COD COMMUNITY COLLEGE	SUR SUB	DR TP OR	02-09-81	to 02-09-85	Expired
DELTA-US CORPORATION	SUR SUB	DR TP OR	07-05-82	to 07-05-86	Expired
DIGITRAN, INCORPORATED	SUR SUB	DR TP OR	05-31-80	to 05-31-84	Expired
DRESSER INDUSTRIES/MAGCOBAR	SUR SUB	DR TP OR	08-27-83	to 08-27-87	Expired
GULF OIL EXPL. AND PROD. COMPANY	SUR SUB	DR TP OR	09-12-83	to 09-12-87	Expired
KEYDRIL COMPANY	SUR SUB	DR TP OR	05-29-84	to 03-07-86	Expired
MAURER ENGINEERING, INCORPORATED	SUR SUB	DR TP OR	10-15-81	to 10-15-85	Expired
PETROLEUM TRAINING & TECHNICAL SERVICES	SUR SUB	DR TP OR	12-06-79	to 12-06-83	Expired
PRENTICE AND RECORDS ENTERPRISES, INC	SUR SUB	DR TP OR	05-07-83	to 05-07-87	Expired
ROCKY MOUNTAIN WELL CONTROL SCHOOL	SUR SUB	DR TP OR	02-09-83	to 02-01-84	Expired
SAIPEM SpA	SUR SUB	DR TP OR	03-06-86	to 01-01-87	Expired
SHELL OFFSHORE INCORPORATED	SUR SUB	DR TP OR	07-15-86	to 07-07-87	Expired
STURGIS/SHEFFIELD, INCORPORATED	SUR SUB	DR TP OR	07-26-82	to 07-26-86	Expired
TDA PRODUCTS, INCORPORATED	SUR SUB	DR TP OR	04-06-82	to 04-06-86	Expired

COMMENTS:
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ROTARY HELPER (RH)/DERRICKMAN (DM) SCHOOLS

No.	SCHOOL NAME	CLASS	APPROVED
1	ALASKA UNITED DRILLING COMPANY	RH DM	10-28-83
2	ALASKA VOCATIONAL TECHNICAL CENTER	RH DM	10-21-83
3	ANGLO ALASKA/NABORS ALASKA	RH DM	01-07-82
4	ATLANTIC PACIFIC MARINE CORPORATION	RH DM	12-11-79
5	ATWOOD GROUP, INCORPORATED	RH DM	08-08-79
6	ATWOOD OCEANICS, INCORPORATED	RH DM	09-07-79
7	BAILEY-SHANNON DRILLING	RH DM	11-16-81
8	BASIC RESEARCH AND TRAINING, INCORPORATED	RH DM	08-09-82
9	BOKENKAMP DRILLING COMPANY	RH DM	09-13-79
10	BOOKER DRILLING	RH DM	01-10-80
11	BROUGHTON DRILLING	RH DM	01-16-80
12	CACTUS INTERNATIONAL	RH DM	12-10-79
13	CANADIAN MARINE DRILLING LTD	RH DM	06-11-85
14	CHALLENGER DRILLING	RH DM	12-14-79
15	CHILES DRILLING COMPANY	RH DM	05-14-79
16	CIRCLE BAR DRILLING	RH DM	01-24-80
17	CYCLOPS DRILLING	RH DM	11-28-79
18	DAN-TEX INTERNATIONAL	RH DM	02-29-80
19	DIAMOND M. COMPANY	RH DM	03-01-79
20	DIXILYN-FIELD DRILLING COMPANY	RH DM	03-06-79
21	DOLPHIN-TITAN INTERNATIONAL	RH DM	05-07-85
22	DUAL OFFSHORE COMPANY	RH DM	12-06-79
23	FLUOR DRILLING SERVICE	RH DM	02-08-80
24	FLUOR OF CALIFORNIA	RH DM	06-07-84
25	GLOBAL MARINE DRILLING COMPANY	RH DM	03-06-79
26	GOLDRUS MARINE DRILLING	RH DM	10-28-80
27	GRIFFIN-ALEXANDER DRILLING	RH DM	08-26-80
28	HOUSTON OFFSHORE	RH DM	08-14-79
29	HOUTECH ENERGY	RH DM	05-07-85
30	HUTHANCE DRILLING COMPANY	RH DM	03-06-79
31	J.F.P. DRILLING COMPANY	RH DM	07-02-80
32	KEYES OFFSHORE	RH DM	11-01-79
33	LOFFLAND BROTHERS COMPANY	RH DM	01-24-80
34	MARINE DRILLING COMPANY	RH DM	03-20-79
35	MAURER ENGINEERING, INCORPORATED	RH DM	03-25-80
36	MAYRONNE COMPANY	RH DM	10-05-79
37	MORAN DRILLING CORPORATION	RH DM	03-25-80
38	MUDTECH	RH DM	11-07-79
39	NICKLOS DRILLING	RH DM	10-30-79
40	NOBLE DRILLING	RH DM	08-24-79

RH/DM SCHOOLS (continued)

No.	SCHOOL NAME	CLASS	APPROVED
41	O & U DRILLING	RH DM	08-20-79
42	OCEAN DRILLING & EXPLORATION COMPANY (ODECO)	RH DM	10-16-79
43	OILFIELD TRAINING SEMINARS	RH DM	03-07-85
44	OPERATORS, INC	RH DM	06-14-79
45	PARKER DRILLING COMPANY	RH DM	07-02-84
46	PENROD DRILLING	RH DM	07-18-79
47	PETER BAWDEN DRILLING	RH DM	10-01-79
48	PHOENIX SEADRILL	RH DM	09-25-79
49	POOL OFFSHORE COMPANY	RH DM	11-20-79
50	PRENTICE & RECORDS ENTERPRISES, INCORPORATED	RH DM	02-15-79
51	PRENTICE TRAINING COMPANY	RH DM	05-29-85
52	READING & BATES DRILLING COMPANY	RH DM	05-19-78
53	ROWAN COMPANIES	RH DM	08-10-78
54	SAIPEM SpA	RH DM	05-10-85
55	SALEN OFFSHORE COMPANY	RH DM	03-20-79
56	SANTA FE DRILLING COMPANY	RH DM	10-17-79
57	SAVAGE DRILLING	RH DM	11-02-82
58	SCAN DRILLING COMPANY	RH DM	07-25-79
59	SEA DRILLING	RH DM	11-28-79
60	SEDCO FOREX	RH DM	06-11-82
61	SERVICES EQUIPMENT AND ENGINEERING, INCORPORATED	RH DM	08-22-79
62	SHELL OIL COMPANY	RH DM	07-07-87
63	SOUTH TEXAS OFFSHORE DRILLING	RH DM	01-27-82
64	TELEDYNE MOVIBLE OFFSHORE	RH DM	05-09-79
65	TEMPLE DRILLING COMPANY	RH DM	10-15-79
66	THE OFFSHORE COMPANY	RH DM	06-16-79
67	TRANSWORLD DRILLING	RH DM	04-11-79
68	VENTURA COLLEGE	RH DM	03-06-84
69	WELL CONTROL SCHOOL	RH DM	09-05-84
70	WESTERN OCEANIC, INCORPORATED	RH DM	03-01-79
71	ZAPATA OFFSHORE COMPANY	RH DM	09-22-78

The following schools' RH/DM well-control programs have expired:

	KEYDRIL COMPANY	RH DM	03-07-86
	SHELL CALIFORNIA PRODUCTION INCORPORATED	RH DM	07-07-87
	SHELL OFFSHORE INCORPORATED	RH DM	07-07-87

[FR Doc. 88-5014 Filed 3-7-88; 8:45 am]
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Tuesday, March 8, 1988

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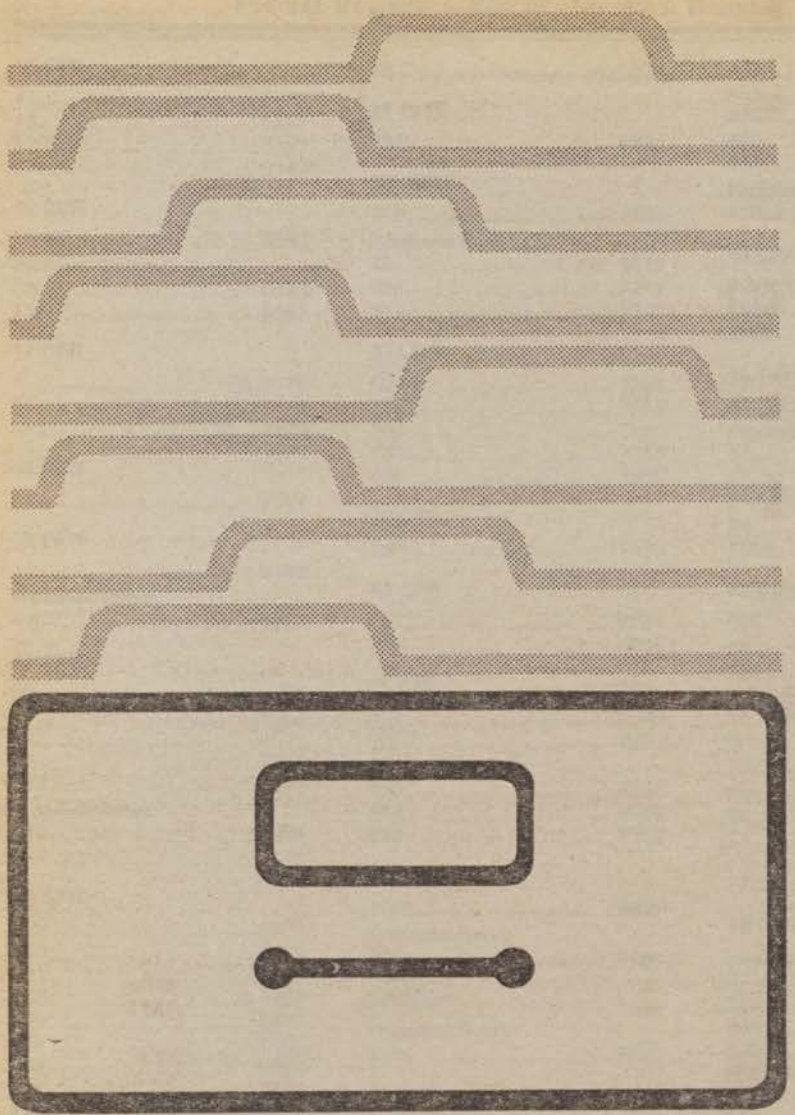

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in the Code of Federal Regulations (CFR)

GUIDE: Revised January 1, 1986
SUPPLEMENT: Revised January 1, 1988

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The various abstracts in the GUIDE tell the user (1) what records must be kept, (2) who must keep them, and (3) how long they must be kept.

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